



Robert J. Palmersheim

Partner



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Education

University of Wisconsin-Madison
B.A.

DePaul University College of Law
J.D., *Order of the Coif*; Recipient of
*five American Jurisprudence
Awards*; *National Moot Court
Competition (7th Circuit Region
Champion)*

Robert Palmersheim concentrates his practice in the areas of commercial litigation, antitrust litigation, professional liability, fiduciary and fraud litigation, and intellectual property litigation, including trade secret and restrictive covenant litigation.

For more than 20 years, he has advised clients on achieving total resolutions to their complex business disputes by crafting winning arguments early in each case, securing complete victories at trial, and reaching favorable settlements that offer finality and closure.

Clients turn to Robert for his ability to understand their business, analyze their legal issues, and devise a strategy that effectively achieves the client's goals.

Professional Associations

- American Bar Association
- Chicago Bar Association
 - Young Lawyer's Section, Careers Committee, Co-Chair
 - Federal Trial Bar Training Course, Instructor
 - Committee on Attorney Malpractice

With clients ranging from Fortune 500 corporations, to the country's largest law firms, to small businesses, Robert provides unparalleled service and creative solutions to complex legal disputes. As a result of this commitment, the well-regarded consultancy BTI Consulting Group named Robert a BTI Client Service All-Star, a distinction given to an elite group of 300 attorneys recognized by Fortune 1000 companies for outperforming all other attorneys.

Prior to founding Palmersheim & Mathew, Robert was a partner in the Chicago office of Honigman. Earlier in his career, he was a partner at the venerable Chicago litigation boutique Schopf & Weiss.

Robert enjoys running marathons, cooking, and cheering for the White Sox, Wisconsin Badgers, and Green Bay Packers in his spare time.



Honors & Recognition

- Illinois Super Lawyers, 2005 - 2006 and 2013 - present
 - Top 100 Super Lawyers, 2014 - 2015
- *Leading Lawyers Magazine* Illinois, 2012 – present
 - Commercial Litigation
 - Professional Malpractice Defense Law: Including Legal/Technical/Financial
- Honored by The BTI Consulting Group as a Client Service All-Star in antitrust and trade regulation, 2016

Experience

Antitrust Litigation

- Represented leading global consumer products manufacturers with respect to claims that several multinational banks and metal trading companies conspired to fix the price of primary aluminum sold in North America.
- Represented a technology company against monopolization and attempted monopolization claims brought by a competitor.
- Defended a technology company against monopolization claims involving electronic article surveillance products and successfully resolved the lawsuit for a fraction of the original demand. Conducted a multiday Daubert hearing involving the examination of several economists, which resulted in the exclusion of plaintiff's expert opinions on a majority of the claimed damages.
- Defended medical device manufacturer against bid-rigging claims.
- Defended telecommunications provider against claims for illegal tying in the market for high-speed data transmission.
- Defended battery manufacturer against monopolization claims brought by start-up competitor in the market for industrial batteries and defeated claims on summary judgment.

Professional Liability, Fiduciary, and Fraud Litigation

- Defended Am Law 50 law firm on claims brought by former client relating to False Claims Act litigation; obtained summary judgment on plaintiff's claims and at start of trial settled law firm's counterclaim for unpaid fees.
- Defended Am Law 10 firm in lawsuit alleging patent litigation malpractice and successfully resolved the lawsuit prior to trial.
- Defended Am Law 20 firm against claims that the firm's attorneys were negligent in estate planning for multimillion-dollar estate and obtained dismissal of all claims, which was affirmed on appeal.
- Defended Am Law 10 firm against claims by former partner of the firm who sought indemnification for malpractice claims brought against him (dismissal of malpractice and third-party claims was affirmed on appeal).
- Represented Spanish and U.S. steel companies in litigation against former trade lawyer claiming that lawyer's negligence resulted in Department of Commerce imposing a substantial tariff on steel imports; case settled on highly favorable client terms.



- Represented Am Law 10 law firm in claims by client that the firm was negligent in \$25 million loan transaction (matter was resolved before the firm's client filed suit).
- Defended Am Law 50 firm in lawsuit alleging that the firm was negligent in the negotiation of a collective bargaining agreement.
- Represented trustees in breach of fiduciary lawsuit relating to the ownership of a commercial farming company.
- Represented auditing firm in several suits arising from alleged Ponzi scheme orchestrated by a prominent businessman.
- Obtained complete dismissal of lawsuit brought by a regional bank against accounting firm, which alleged that the accounting firm had conspired to defraud the bank in connection with loans totaling in excess of \$25 million.
- Obtained complete dismissal of lawsuit brought by golf equipment manufacturer against accounting firm, which alleged that the accounting firm negligently audited company's financial statements and conspired with corporate directors to hide losses exceeding \$20 million.
- Obtained verdict for defendants on claims brought by trustee over the ownership of commercial farmland.
- Represented metals trading company in fraud, fiduciary duty, and conspiracy trial; obtained a multimillion-dollar jury verdict, including substantial punitive damages.
- Represented multinational corporation in several arbitrations, including hearing and asserting securities fraud against financial and banking institutions; resulting recoveries totaling in excess of \$50 million.
- Defended sellers of a privately held corporation against claims of securities fraud with purported damages in excess of \$70 million; case was successfully settled prior to trial.
- Represented multinational corporation in Delaware Chancery Court on claims that defendants defrauded client in connection with a \$20 million sale of a manufacturing business; case was successfully settled.
- Obtained \$1.7 million judgment for an energy services company in a breach of contract case, including more than \$500,000 in interest and attorneys' fees. Successfully pursued fraudulent transfer and successor liability claims against the judgment debtor's principals, resulting in a judgment against them for approximately \$2.8 million, which included additional interest and attorneys' fees (this case was affirmed by the Court of Appeals for the Seventh Circuit).
- Defended franchisees against fraud and racketeering claims and obtained summary judgment on plaintiff's claims.
- Defended Cayman Island real estate company and its principals in lawsuit claiming racketeering, fraud, and breach of fiduciary duty.

Intellectual Property Litigation

- Represented a technology company as appellate counsel before the Federal Circuit in multiple appeals of a district court's "exceptional case" finding under Section 285 of the Patent Act. Prevailed in the Federal Circuit under the Brooks standard, and following reversal by the U.S. Supreme Court, prevailed again in the Federal Circuit under the Octane Fitness standard –resulting in the complete reversal of the District Court's \$10.2 million fee award. This is believed to be the first case since Octane Fitness in which the Federal Circuit has reversed a district court's Section 285 fee award.



- Represented numerous manufacturers in design patent infringement claims and lawsuits.
- Represented technology company in patent infringement lawsuit against domestic and Chinese infringers that resulted in a substantial settlement.
- Represented multiple corporations and individuals in restrictive covenant and trade secret disputes, including disputes under the California, Florida, Georgia, Illinois, Minnesota, and New York Trade Secrets Acts.

Publications & Presentations

- Winning Attorney Fees: What Works, What Doesn't, panelist, Intellectual Property Owners Association Symposium, July 2017
- Best Practice for Conflict-Free Advance Conflict Waivers, co-author *Beazley Brief (Issue 36)*, September 2015
- Building Community to Build Your Business, Ethics 2015 Conference, Law Bulletin Seminars, co-presenter, Chicago, Illinois, June 16, 2015
- What Avoidance Powers are Available Under Chapter 15 of the Bankruptcy Code?
- *The National Law Review*, October 21, 2014
- Recent Game-Changing Cases, Illinois Institute of Continuing Legal Education, speaker, Chicago, Illinois, October 2014
- Offshore Asset Recovery, Illinois Institute for Continuing Legal Education, speaker, Chicago, Illinois, October 2014
- Malpractice Cases That Lawyers Need to Know About, Chicago Bar Association: Committee on Attorney Malpractice, speaker, Chicago, Illinois, September 2014
- Solvency and Valuation Opinions: How to Make Them Work for an Offshore Litigation, Restructuring and Insolvency Specialists Association of Grand Cayman, speaker, 2014
- Overview of Legal Malpractice Defenses, Chicago Bar Association: Committee on Attorney Malpractice, speaker, Chicago, Illinois, December 2013