



James W. Joseph OF COUNSEL

Chicago
T 312-660-7612
jjoseph@eimerstahl.com

James Joseph is of counsel at Eimer Stahl LLP. He is a trial and appellate litigator and counselor with a focus on complex commercial disputes, antitrust and competition law, insurance, advertising and marketing, products liability, and mass toxic and environmental torts. He has also litigated matters involving construction, personal injury, accounting and legal malpractice, zoning and land use, trusts and estates, securities, mortgage and consumer fraud, attorney discipline, and other subjects. From 1998 to 2000, James helped to establish and lead the Institute for Justice Clinic on Entrepreneurship, a pioneering legal clinic at the University of Chicago Law School, where he was also a lecturer.

CASE EXPERIENCE

Represented an Illinois municipality in defense against substantial tax-sourcing claims brought by the City of Chicago; persuaded the Illinois Supreme Court to reverse the court below and order dismissal of the claims with prejudice

Represented a national health insurance company against a nonprofit hospital that alleged over \$40 million in systematic underpayments; after a two-week trial, a Cook County jury returned a unanimous defense verdict in an hour

Represented a participating-life insurer in a putative nationwide class action seeking \$5 billion in dividends; obtained dismissal by a federal district court and affirmance in the Seventh Circuit Court of Appeals

PRACTICE FOCUS

Antitrust
Antitrust Litigation
Appellate
Business Torts and Consumer Fraud
Class Action & Multidistrict Litigation
Contract and Commercial Disputes
Corporate Governance and Internal Investigations
Environmental, Products Liability and Toxic Torts
Healthcare
Insurance Industry Business Practices
Trademark, False Advertising and Franchisor Litigation

EDUCATION

J.D., University of Chicago Law School, 1994

- Member, *The University of Chicago Law Review*
- Recipient, Thomas R. Mulroy Prize for Excellence in Appellate Advocacy

Represented large corporate clients in diverse international arbitrations under the ICC, LCIA, and LMAA rules

Representing a national health insurer in cost-recovery actions against major device and pharmaceutical manufacturers

Represented a national refiner in a dispute with a former regional franchisee; obtained summary judgment, millions in early-termination damages, and denial of a nearly \$200 million counterclaim

Represented a city community-college system in a successful accounting malpractice action, resolving in the colleges' favor a matter of first impression before the Illinois Supreme Court

Representing a plastics recycler in defense of a \$45 million claim arising out of a business combination, and in related insurance litigation

Represented a leading cement producer in the appeal of a subcontractor's arbitration award and in related cases in the Texas state and federal courts, successfully obtaining reversal of a \$5 million award that had been confirmed by the trial court

Represented an egg producer in multidistrict litigation and related suits alleging antitrust and consumer fraud violations in the egg industry

Represented an oil refiner in multidistrict litigation and related state and municipal suits alleging groundwater contamination from the use of a gasoline additive

Represented a medical-device manufacturer in nationwide state and federal chondrolysis litigation

Served as national counsel overseeing state-court benzene-exposure litigation for a national refiner, including obtaining dismissals and summary judgments

Defended several construction-injury cases arising from a large Chicago-area industrial facility

Defended a refiner in a Texas arbitration against a buyer that sought damages for force majeure declarations after Hurricanes Katrina and Rita; obtained an award denying the buyer's recovery and awarding the refiner its attorneys' fees

Cornell University, 1991

- with honors

ADMISSIONS

Illinois

U.S. District Court for the Northern District of Illinois, Trial Bar

U.S. District Court for the Southern District of Illinois

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

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

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Tenth Circuit

Defended a leading cement producer to a favorable arbitration award in fraud and breach of contract claims brought by a Canadian supplier

Represented a refiner before the Tenth Circuit Court of Appeals, which dismissed a claim for allegedly interfering in the plaintiff's offshore exploration efforts

Pro bono cases include representation of food-truck drivers challenging the City of Chicago's mobile food-vendor ordinance, ride-sharing drivers seeking to intervene in a suit against the City of Chicago by the taxicab industry, constitutional challenges by residential tenants to the inspection ordinance and practices of Illinois municipalities, and an artist sued for trademark dilution by a major consumer foods corporation