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Freeborn and Peters targets food industry

BY JOHN FLYNN ROONEY
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Freeborn & Peters LLP created a food industry team to help food companies with their legal and business needs.

"Food companies are coming out of the recession and growing," said Michael A. Moynihan, the team's leader and Freeborn & Peters' co-managing partner. "So, we want to catch the wave with them."

Freeborn & Peters long represented food industry clients, Moynihan said. But in about the past five years, Freeborn & Peters' food industry clients referred other food companies to the firm as clients, he said.

"All of those food company clients have been asking us to do more and more work just in food (-related) law," Moynihan said. "If we were going to make that investment, we thought we should concentrate on the (food) industry."

Moynihan's practice focuses on real estate and land-use matters.

"There are a lot of facilities and real estate deals happening within the food industry," Moynihan said. "So, I'm able to utilize my real estate background to work on those facilities projects."

The food industry team now consists of 18 Freeborn & Peters lawyers, including partners Brian A. Smith and David L. Ter Molen.

Ter Molen's practice concentrates on intellectual property (IP) litigation, along with food labeling work and consultation.

"There is a natural overlap between those" two areas, Ter Molen said.

An increase in litigation occurred in which food companies are accused of using labels that are deceptive and misleading, he said.

"There was just so much happening in this area," he said.

Regarding the food industry team, Ter Molen said, "At this juncture, it is about growing the group and getting the message to people that we have that capability and experience."

Freeborn & Peters, consisting of about 125 lawyers, seeks to hire three to five more lawyers for the team, generally in the corporate and financing areas, Moynihan said.

Smith handles corporate transactions, including joint ventures within the food industry.

"I really like the cross-disciplined approach and to work with people who handle regulatory and IP matters for food



Michael A. Moynihan

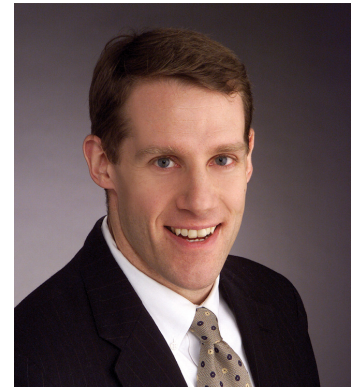
clients," Smith said.

Especially in the Midwest, food companies are typically owned either through families or private equity groups, he said.

"I get to deal directly with the owners without a lot of layers to deal with," he said. "You get quick turn around and quick action on matters."

One joint venture Smith worked on involved Jack Link's Beef Jerky and JBS, a Brazilian-based meat company, he said. Freeborn & Peters represents Jack Link's Beef Jerky.

Freeborn & Peters typically represents food companies, rather than individuals who pursue litigation against corporations, Smith said.



David L. Ter Molen

Other Freeborn & Peters food industry clients include Jimmy John's Gourmet Sandwiches and TriMark USA. Other clients are Heartland Harvest Inc., a food manufacturer and processor, along with Flavorchem Corp., an ingredient manufacturer, Moynihan said.

Freeborn & Peters formed the team last September. But Freeborn & Peters held off on a formal announcement until recently, following completion of a section about the team on the firm's website, freebornpeters.com, Moynihan said.

"We would like to be known as sort of the industry leader in the Midwest to represent food companies," he said.