

# Tie Goes to the Runner: Illinois Court Confirms Plaintiffs' Chosen Forum Trumps Defendant's Complaints of Inconvenience.

AUTHOR: JARED CLUCK

In *Lehram Capital Investments, Ltd., et al. v. Baker & McKenzie International, et al.*, the Illinois First District Appellate Court recently affirmed a trial court's denial of a motion to dismiss based on *forum non conveniens* despite the chosen forum's minimal connection to the litigation. 2024 IL App (1st) 230095 (Feb. 14, 2024).

The plaintiffs were a London-based business and a Spanish citizen. The defendant was an international law firm headquartered in Chicago. The plaintiffs alleged legal malpractice related to the ownership of a salt mine located in Russia.

The defendant law firm moved to dismiss based on *forum non conveniens*, arguing that Moscow was the proper venue based on the mine's location and because the legal services were rendered there by its affiliate, Baker & McKenzie CIS-Limited. After Russia's invasion of Ukraine, the law firm suggested London as an alternative forum to Moscow.

The law firm argued that London was the appropriate venue because the private and public interest factors pointed towards London being more convenient than Chicago. Key witnesses were located in London. Additional witnesses were located in Russia and Spain, which are much closer to London than Chicago. And the plaintiff entity operated from London, so London arguably had a greater interest in the dispute. The law firm also argued that a London court would be better equipped than one in Illinois to hear the case and analyze Russian law.

The only connection Illinois had to the dispute was the law firm's Chicago headquarters.

Nevertheless, the lawsuit stayed in Illinois — Plaintiff's chosen forum. According to the Illinois court, neither London nor Chicago was convenient because witnesses were outside the United States and United Kingdom, and the mine itself was in Russia. Given the inconvenience, the burden between traveling to London and Chicago was relatively insignificant. Technology also makes it easier to conduct discovery and attend proceedings virtually. And Cook County residents had an interest in the case because the legal malpractice claim concerned the law firm's work as an international law firm anchored in Chicago for generations.

*Lehram* serves as a reminder that, all else equal, a plaintiff's chosen forum will likely prevail over arguments of inconvenience, especially if the suit lies in the defendant's backyard.