

## Mary Leslie Smith

### Partner/Retired

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Leslie Smith is a partner with Foley & Lardner LLP. Leslie litigates a range of commercial matters at both the trial and appellate levels in both federal and state courts. Her franchising and distribution practice provides clients with counseling and litigation services, from initial negotiations through resolution, including mediation, arbitration and trial. Leslie has represented franchisors and distributors in a variety of commercial disputes involving trademarks, trade secrets, covenants not to compete and vicarious liability claims. She is a member of the Distribution & Franchise Practice and the former managing partner of the Miami office.

#### Representative Experience

- Obtaining a favorable verdict for a hospitality franchisor client on its counterclaim for breach of a franchise agreement preceded by the entry of summary judgment in favor of the franchisor, its parent company and two former employees on the franchisee's complaint alleging RICO violations. The counterclaim was tried non-jury after the court granted our clients' motion to strike jury demand
- Obtaining a summary judgment on a franchisor's claims for post termination trademark infringement and counterfeiting against its former franchisee
- Obtaining injunctive relief on a distributor's claims against a former employee for misappropriation of trade secrets and violations of a covenant not to compete
- Successfully defending a franchisor client from a competitor's motion for injunctive relief arising out of claims of false advertising
- Obtaining a summary judgment for a franchisor in a wrongful death action involving Florida's Dram Shop law
- Obtaining a preliminary injunction against a former employee of a logistics client for violation of the employee's covenant not to compete who claimed the covenant to be unenforceable on the grounds of workplace harassment

- Winning preliminary injunctions on behalf of many franchisor clients to prevent former franchisee's unauthorized use of the franchisor's registered trademarks

## Awards and Recognition

- Selected as a 2023 "Franchise Law Lawyer of the Year" by *Best Lawyers*.
- Recognized by *Chambers USA: America's Leading Lawyers for Business* as one of the top franchise attorneys nationwide (2010 – 2023)
- Selected by her peers for inclusion in *The Best Lawyers in America*© in the field of Franchise Law (2013 – 2024)
- Recognized as a Top Lawyer – Franchise in *South Florida Legal Guide* (2015 – 2018)
- Named to BTI Consulting Group's coveted Client Service All Star Team in 2017, this honor is bestowed upon individual attorneys who deliver outstanding client service according to corporate counsel interviewed at large organizations with \$1 billion or more in revenue
- Peer Review Rated as AV Preeminent®, the highest performance rating in Martindale-Hubbell® Peer Review Ratings™
- Recognized by *The International Who's Who of Franchise Lawyers* (2009 – 2013, 2016 – 2017)
- Selected for inclusion in the Florida Super Lawyers list (2014 – 2017)
- Recognized by her peers as one of *Franchise Times Legal Eagles* (2013 – 2014)

## Affiliations

- Member, Forum on Franchising
- Member, American Bar Association
- Member, International Franchise Association
- Member, Board of Governors Young Lawyers Division Executive Committee
- Member, Women Presidents' Organization
- Member 100+ Women Who Care
- Past member, Governing Committee
- Past member, Florida State Bar Association
- Past-president, Dade County Bar Association

## Presentations and Publications

- Co-author, "Annual Franchise and Distribution Law Developments," *American Bar Association* (2004)

## Sectors

- [International Trade & National Security](#)
- [Manufacturing](#)
- [Racial Justice & Equity](#)
- [Supply Chain](#)

## Practice Areas

- [Litigation](#)

## **Education**

- University of Florida (J.D., with honors, 1988)
- London School of Economics (M.A., 1981)
- Southern Methodist University (B.A., cum laude, 1979)

## **Admissions**

- Florida
- U.S., District Courts for the Southern, Middle and Northern Districts of Florida
- U.S., Court of Appeals for the Eleventh Circuit