



Steven H. Schwartz

Principal

📍 Bank of America Plaza
800 Market Street
Suite 1100
St. Louis, MO 63101-2501

☎ 314-242-5280

📠 314-242-5480

✉ sschwartz@bjpc.com

Steve Schwartz has been with Brown & James since 1987 and has been a principal of the firm since 1993. He has tried numerous jury and non-jury cases to conclusion and regularly handles all types of litigation with a concentration in economic loss claims and insurance coverage matters. The following is a summary of Mr. Schwartz's practice areas:

Business and Commercial Litigation

Mr. Schwartz handles all types of business-related disputes, including breach of contract, fraud, unjust enrichment, Racketeer Influenced and Corrupt Organizations Act (RICO), tortious interference with contract, non-compete and non-solicitation agreements, breach of fiduciary duty, securities fraud and antitrust. These cases have ranged from small disputes between single parties, to large multi-party or multi-district litigation, involving dozens of claims and thousands or millions of documents.

Consumer Claims

Mr. Schwartz defends various claims filed by consumers and debtors, including claims filed under the Missouri Merchandising Practices Act (MMPA), the Fair Debt Collection Practices Act (FDCPA), the Fair Credit Reporting Act (FCRA), and the Telephone Consumer Protection Act (TCPA).

Directors and Officers Liability

Mr. Schwartz defends director and officer claims for public and private companies and non-profit companies in various cases, including patent cases, vendor disputes, construction disputes, disputes with competitors, and homeowner association claims.

Employment Liability

Mr. Schwartz regularly defends employers against allegations of discrimination, Americans with Disabilities Act (ADA) violations, Age Discrimination in Employment Act (ADEA) violations, retaliation, wrongful termination, hostile work environment, and Fair Labor Standards Act (FLSA) violations. Mr. Schwartz also represents companies in disputes

with employees regarding non-compete and non-solicitation agreements.

Insurance Coverage

Mr. Schwartz's substantial experience includes representing clients in complicated insurance coverage matters, involving all types of coverages, including professional liability, directors' and officers' liability, advertising injury, personal injury, and uninsured motorist coverage.

Intellectual Property, Technology and Cyber Liability

Mr. Schwartz regularly handles all types of intellectual property disputes, including patents, trademarks, copyrights, and unfair competition. He has also handled several technology and computer-related disputes, including claims of software counterfeiting, software contract disputes, alleged trademark infringement on the Internet and cyber liability claims, including theft of credit card and other personal information.

Professional Liability

Mr. Schwartz has defended professionals of all types for almost 30 years. His clients include lawyers, accountants, payroll companies, insurance agents and brokers, real estate agents and brokers, real estate appraisers, and title companies. The defense of lawyers has involved cases relating to divorce, prenuptial agreements, business transactions, tax advice, bankruptcy, and estate planning, as well as many others. His defense of insurance agents has involved cases relating to the sale of property, casualty and liability insurance, as well as health and life insurance. Mr. Schwartz has obtained defense verdicts in several jury trials representing lawyers and other professionals.

Mediation and Arbitration

Mr. Schwartz is on the mediator and arbitrator panel for United States Arbitration & Mediation (USA&M). He is approved to serve in the U.S. District Court Eastern District of Missouri, St. Louis City Circuit Court, and St. Louis County Circuit Court.

Pro Bono Work

Mr. Schwartz volunteers representing "starving artists" for the St. Louis Volunteer Lawyers and Accountants for the Arts.

Prior Legal Experience

Attorney, U.S. International Trade Commission, Office of Unfair Import Investigations (1984-1987)

Representative Reported Cases

Emerald Crossing, LLC v. AHM Holdings, 520 S.W.3d 520 (Mo. App. E.D. 2017)

Oetting v. Norton, 795 F.3d 886 (8th Cir. 2015)

Darwin Chambers Co., LLC v. Bennington College Corp., 2015 WL 1475009 (E.D. Mo. 2015)

Philadelphia Consolidated Holding Corp. v. LSI-Lowery Systems, Inc., 775 F.3d 1072 (8th Cir. 2015)

Aceva Technologies, Inc. v. Tyson Foods, Inc., 429 S.W.3d 355 (Ark. App. 2013)

Sterling Inv. Group, LLC v. Brentwood Forest Condominium Ass'n, 402 S.W.3d 95 (Mo. App. 2013)

Cook's Fabrication & Welding, Inc. v. Mid-Continent Cas. Co., 364 S.W.3d 639 (Mo. Ct. App. 2012)
Eagle Star Group, Inc. v. Marcus, 334 S.W.3d 548 (Mo. Ct. App. 2010)
Barry-Wehmiller Companies, Inc. v. Marschke, 2009 WL 3698009 (E.D. Mo. Nov. 2, 2009)
In re: Todd McFarlane Productions, Inc., 2008 WL 899336 (Bkrcty.D.Ariz. 2008)
Rafaeli v. Shalowitz, 231 S.W.3d 232 (Mo. App. 2007)
Woods v. Wills, 225 F. App'x 420 (8th Cir. 2007)
United Petroleum Service, Inc. v. Piatchek, 218 S.W.3d 477 (Mo.App. 2007)
Tonkovich v. Crown Life Ins. Co., 165 S.W.3d 210 (Mo. App. 2005)
Rhone v. Horton, 2004 WL 1554821 (Mo. App. 2004)
Schultz v. Ziercher & Hocker, P.C., 131 S.W.3d 369 (Mo. App. 2004)
Universal Underwriters Ins. Co. v. Lou Fusz Automotive Network, Inc., 300 F.Supp.2d 888 (E.D. Mo. 2004)
Arthur Insurance Associates, Inc. v. General Accident Ins. Co., 114 S.W.3d 446 (Mo. App. 2003)
Solutech, Inc. v. Solutech Consulting Services, Inc., 153 F.Supp.2d 1082 (E.D. Mo. 2000)
Kruse Concepts, Inc. v. Shelter Mutual Ins., 16 S.W.3d 734 (Mo. App. 2000)
Blackstock v. Kohn, 994 S.W.2d 947 (Mo. banc 1998)
Borgard v. Integrated National Life Insurance Co., 954 S.W.2d 532 (Mo.App. 1997)
Citizens Ins. Co. of America v. Leiendecker, 962 S.W.2d 446 (Mo.App. 1998)
JTC Petroleum v. Piasa Motor Fuels, Inc., et al., 190 F.3d 775 (7th Cir. 1999)
McDonough v. National Home Ins. Co., 108 F.3d 174 (8th Cir. 1997)
Moog World Trade Corp. v. Bancomer, S.A., 90 F.3d 1382 (8th Cir. 1996)
Weinberg v. Safeco Ins. Co. of Illinois, 913 S.W.2d 59 (Mo.App. 1995)
Rose v. Summers, Compton, Wells & Hamburg, P.C., 887 S.W.2d 683 (Mo.App. 1994)
Fleischer v. Hellmuth, Obata & Kassabaum, Inc., 870 S.W.2d 832 (Mo.App. 1993)
State, ex rel Barnes v. Gerhard, 834 S.W.2d 902 (Mo.App. 1992)
Nuspl v. Missouri Medical Ins. Co., 842 S.W.2d 920 (Mo.App. 1992)

Practice Areas

Business and Commercial
Litigation
Construction Law
Creditors' Rights
Employment Law
Financial Services
Insurance Law
Intellectual Property &
Technology
Professional Liability
Class Action

More About Steven

Education & Bar Admissions

Education

- George Washington University (J.D., with honors, 1984)
- Indiana University (B.A., with distinction, 1981), Phi Beta Kappa

Bar Admissions

- Missouri
- Illinois
- Kansas
- U.S. District Court for the Eastern District of Missouri
- U.S. District Court for the Western District of Missouri
- U.S. District Court for the Southern District of Illinois

- U.S. District Court for Kansas
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Federal Circuit

Recent Achievements

- Benchmark Litigation - United States and Missouri Litigation Star (2023)
- Lawyer of the Year, Litigation - Insurance, St. Louis, Best Lawyers, 2023
- Best Lawyers - Commercial Litigation, The Best Lawyers in America (2014-2023)
- Best Lawyers - Litigation - Insurance, The Best Lawyers in America (2016-2023)
- Best Lawyers - Construction Law, The Best Lawyers in America (2013-2019)
- St. Louis' Best Lawyers - St. Louis Magazine (2013-2017)
- Super Lawyers - Business Litigation, Missouri & Kansas Super Lawyers (2005, 2013-2022)
- Top 50 St. Louis - Missouri & Kansas Super Lawyers (2015)
- Top Rated Lawyers - Commercial Litigation, American Lawyer Media (2012-2013)
- Martindale-Hubbell AV Preeminent

Professional Affiliations

- Bar Association of Metropolitan St. Louis - Computer Law Committee; Patent, Trademark and Copyright Committee
- The Missouri Bar - Technology and Computer Law Committee, Chair (2000-2001)
- United States Arbitration & Mediation (USA&M) mediation and arbitration panel

Publications

- Missouri Court of Appeals Limits Legal Malpractice Suits by Non-clients
- "Attorneys," Professional Liability Deskbook (Missouri Bar, 2005)
- City of St. Louis Bans Discrimination Based upon Reproductive Health Decisions—UPDATED
- Missouri Passes Employment Law Reform

Speaking

- Presenter, "Don't Trip Out: Understanding the Tripartite Relationship," Brown & James Webinar, July 2021
- Speaker, "Preventing Legal Malpractice Claims," Washington University School of Law - Negotiation & Dispute Resolution Program & United States Arbitration & Mediation, March 2020
- Presenter, "Don't Bogart that Liability," ALFA International Transportation St. Louis Regional Seminar, February 2019
- Presenter, "Prescription for Complications: The Impact of Missouri's New Medical Marijuana Law on Workplace and Injury Claims," Brown & James General Defense and Insurance Law Symposium, January 2019
- Moderator, "The 'Weinstein Effect': Defending a Client Whose Reputation is at Stake," ALFA International 2018 EPL & Professional Liability Seminar, June 2018

- Panelist, "Protecting Your Business: An Intellectual Property Panel Discussion," Minority Business Council, April 2018
- Panelist, "Walker Seminar: Hip-Hop Entrepreneurship," Webster University, April 2018
- Speaker, "Motivated to Reform: Employer-Friendly Changes in Missouri Employment Discrimination Law," 2017 Brown & James Tort Reform Seminar: A New Day in Missouri, September 2017
- Speaker, "What's New and What's Next: Updates Regarding Class Action Litigation, Including the Enforceability of Arbitration Agreements and Waivers and a Discussion of Trends in Collective/Class Actions," ALFA International 2017 Labor and Employment Seminar, July 2017
- Speaker, "The Growing Challenges of Marijuana: Reasonable Accommodation, Medical Exams, Drug Free Workplace Act, and Doing the Right Thing," Labor and Employment Liability Seminar for ALFA International (2015)
- Moderator, "All Hands on Deck: Pressing Cyber Liability Issues," Insurance Law Roundtable for ALFA International (2015)
- Moderator, "Privacy and Cyber Liability-An Evolving Risk for All Companies and Employers," EPLI, Professional Liability and Insurance Defense Seminar for ALFA International (2014)
- Moderator, "Document Retention Policies: Avoiding the Pack-Rat Mentality," International Client Seminar for ALFA International (2011)
- Moderator, "Strategies for Avoiding Claims Against Officers & Directors and Related Coverage Issues," Employment Practices Liability Insurance Seminar for ALFA International (2010)
- Speaker, "Preventing IT Litigation," Tele-Seminar for ALFA International (2010)
- Speaker, "Meeting the Challenges Facing Companies and their In-House Counsel in Preserving Attorney-Client Privilege in Internal Email Communications in Light of In Re Vioxx," Midwest Regional, Health Care and Medical Device Joint Seminar for ALFA International (2009)