

# Timm W. Schowalter

St. Louis, MO

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**PARTNER**

## Overview

For many businesses in Missouri and Illinois, Timm is the “Go To” attorney when they are facing a labor and employment, unfair competition, or data privacy and security issue. For many of these clients, Timm is not just their attorney but has become their trusted friend who is dedicated to their overall success.

Timm’s primary goal for all clients is litigation avoidance. To that end, Timm handles clients’ legal needs including providing day-to-day counseling, setting up compliance protocols and drafting personnel policies, conducting HR and health and safety audits, drafting employment contracts, executive compensation agreements, severance agreements, confidentiality and trade secret agreements, non-competition and non-solicitation agreements, privacy policies and notices, and third-party and vendor cybersecurity agreements.

If litigation is necessary, however, Timm brings more than 25 years of litigation experience in zealously representing businesses and insurers before administrative agencies and state and federal courts in all facets of labor, employment and privacy law matters. Timm provides an aggressive yet cost-effective defense for companies of all sizes in single action and class action employment litigation matters, including matters related to discrimination and retaliation claims under the Missouri and Illinois Human Rights Acts, Title VII of the Civil Rights Act, American with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), Occupational Safety and Health Act (OSHA); Fair Labor Standards Act (FLSA), False Claims Act (FCA), and Family and Medical Leave Act (FMLA) and various federal and state privacy laws.

Timm’s first introduction to labor unions came in high school while working at a local grocery store that was experiencing labor strife. He developed an interest in labor law and it set forth a path for his future career. Today, Timm represents employers with their labor and union matters, including designing and implementing effective union avoidance and organizing campaigns, negotiating collective bargaining agreements, strike preparation assistance and defeating secondary boycotts. He also has a broad range of experience in proceedings

## SERVICES

- Cybersecurity & Data Privacy
- Data Privacy in the Workplace
- Employment Advice & Counsel
- Employment Litigation
- Government Regulation, Audit & Compliance
- Health Care
- Labor, Employment, Benefits & Immigration
- OSHA
- Prevailing Wage
- Staffing Agency, Independent Contractor & Contingent Workforce
- Traditional Labor & Union Relations
- Unfair Competition Counseling & Litigation
- Vaccine Mandates in the Workplace
- Wage & Hour

## EDUCATION

- University of Missouri - Columbia School of Law, J.D.
- Southeast State University, B.A.

before the National Labor Relations Board, union arbitrations, obtaining state and federal court injunctions, and defending ERISA multi-employer pension claims and audits.

Timm also represents clients in the protection of their trade secrets, intellectual property, and proprietary information. He has extensive experience in litigating non-competition and non-disclosures agreements throughout the United States and has successfully obtained or defeated motions for temporary restraining orders and preliminary and permanent injunctions. Timm not only assists clients in enforcing their non-compete agreements and protecting trade secrets, but he also assists them in protecting all their “data” and complying with numerous federal and state privacy laws. To this end, Timm is a Certified Information Privacy Professional/United States (CIPP/US) from the International Association of Privacy Professionals (IAPP), a global organization dedicated to advancing the privacy and data protection industry. Timm counsels on data breach risks and brings a multidisciplinary responses to data breaches. He also assists with information management and data security, such as how to avoid potential privacy claims and liabilities.

In addition to being a lawyer, Timm is a husband, a father of four, a dog owner, an avid golfer and a certified BBQ competition judge.

## Experience

Obtained Summary Judgment in a Race Discrimination and Retaliation Claim

Obtained Summary Judgment in an Age Discrimination Claim

Obtained Summary Judgment in a Pregnancy Discrimination Act Case

Obtained Summary Judgment in a Race Discrimination Claim

Successfully Defended a Regional Hotel Chain in a Claim Brought By a Transgender Employee

Represented the VP of Sales in a Breach of Contract/Noncompetition and Tortious Interference Case

Successfully Defended a Regional Hotel Chain in a Sex Discrimination Claim

Obtained Summary Judgment on Behalf of a National Mobility Specialist in an Action Brought by a Former Employee

Coordinated and Implemented a Comprehensive Union Avoidance Campaign

Successfully Defended a Skilled Nursing Care Company in a Race Discrimination Claim

Timm W.  
Schowalter

Certified Information Privacy  
Professional/United States  
(CIPP/US)

## ADMISSIONS

Missouri

Illinois

Timm W.  
Schowalter

Represented a Regional Hospital Against a Union that had Set Up an Inflatable “Big Black Rat”

Successfully Defended a National Health Care Staffing Firm in a Wrongful Discharge Claim

Successfully Defended a Regional Convenient Store Chain in a Federal Lawsuit

Represented a Mid-Size Physician Practice in a Wage and Hour Investigation

Represented a Local Steel Manufacturer in Collective Bargaining

Assisted a Chemical Manufacturer in Response to an Espionage Scheme to Steal Trade Secrets and Intellectual Property

Coordinated the Response of a Financial Service Firm in a Data Breach and Wire Fraud Scheme

Assisted in an Automotive Dealer’s Response to a Data Breach of Financial Documents

Represented a Hospital in a Data Breach Orchestrated by Former IT Employees

Successfully Briefed an Opposition to Grant of Certiorari Before the United States Supreme Court

### Membership & Involvement

- Member: Missouri Bar Association; Illinois Bar Association; International Association of Privacy Professionals; Bar Association of Metropolitan St. Louis; Missouri Organization of Defense Lawyers; Defense Research Institute Labor and Employment Practice Group; and Defense Research Institute Cybersecurity and Data Privacy Group.
- Former Volunteer Board Member: National Children's Cancer Society

### Firm News

SmithAmundsen Welcomes Labor & Employment Attorney Timm W. Schowalter as Partner in St. Louis  
December 27, 2021

### In the Media

Timm Schowalter Quoted in the *St. Louis Business Journal*

Timm Schowalter Analyzes Recent Firing in *Business Insurance*

## Alerts

IL Supreme Court Holds Workers' Compensation Exclusive Remedy Does Not Kill BIPA Claims

## Published Works

Pandemic and Privacy Rights: What Your Business Needs to Know About Cyber Agreements  
*St. Louis Business Journal*, March 2021

## Blog Posts

NLRB Rules that Restricting Pro-Union T-Shirts Violates Labor Law  
*Labor & Employment Law Update*, August 31, 2022

Explicit Graffiti Case Illuminates The Necessity of Consistent and Uniform Enforcement of Anti-Bias Workplace Rules  
*Labor & Employment Law Update*, August 12, 2022

US Supreme Court to Hear FLSA Highly Compensated Employee Case  
*Labor & Employment Law Update*, May 4, 2022

A Refresher on Reasonable Accommodations under the Missouri Human Rights Act  
*Labor & Employment Law Update*, April 7, 2022

Decrease In Union Membership Will Inevitably Result in a Blitzkrieg of Government's Pro-Union Actions  
*Labor & Employment Law Update*, March 3, 2022

BREAKING NEWS: IL Supreme Court Holds Workers' Compensation Exclusive Remedy Does Not Kill BIPA Claims  
*Labor & Employment Law Update*, February 4, 2022

It May Become More Difficult for Employers to Legally Protect their Confidential and Proprietary Data  
*Labor & Employment Law Update*, January 26, 2022

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