

Brett W. Schouest

Member

San Antonio

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Areas Of Practice

Litigation
Construction Law
Financial Services Litigation –
Consumer
Business & Commercial

Industries

Financial Industry Group
Insurance Industry Group

Bar Admissions

Texas, 1990

Court Admissions

United States Court of Appeals
Fifth Circuit
United States District Court
Northern, Southern, Western and
Eastern Districts of Texas
Supreme Court of the United
States

Education

- Duke University School of Law, J.D., 1990
- Louisiana State University, B.S., Finance, *cum laude*, 1987

Brett Schouest is a commercial litigator experienced in financial services litigation and business disputes. His emphasis is on litigation concerning consumer financial services disputes, insurance coverage, construction, real estate, financial transactions, computer technology, business contract and tort disputes and business owner/officer issues. Mr. Schouest represents clients in state and federal courts, as well as arbitration and mediation forums, and he provides pre- and post-litigation risk avoidance analysis and counseling.

Experience

Financial Services Litigation Matters

- Representation of mortgage lenders and servicers in consumer financial services disputes in state and federal court, including defense of claims involving:
 - Fair Debt Collection Practices Act
 - Real Estate Settlement Procedures Act
 - Truth in Lending Act
 - Fair Credit Reporting Act
 - Foreclosure and deficiency disputes
- Representation of debt buyers in litigation involving claims under the Fair Debt Collection Act, Fair Credit Reporting Act, and Telephone Consumer Protection Act.
- Representation of financial institutions/lenders in debt collection actions against borrowers.
- Representation of secured financial institution lenders in tax lien, property lien, judgment lien and other lien foreclosure and priority disputes.
- Representation of financial institutions in title dispute and title insurance matters.

Construction Matters

- Representation of South Central Texas regional hospital facility in a major construction defect claim against design/build and subcontractors of hospital facility

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- Representation of South Texas municipality owner of public works project in construction dispute with performance bonding company, completion contractor and completion subcontractors
- Representation of foreign automobile manufacturer parts supplier building owner against engineer/architect and contractor regarding faulty foundation design/construction in San Antonio, Texas auto production facility
- Representation of general contractor for public works auditorium project in Austin, Texas in dispute against electrical subcontractor
- Representation of out-of-state general contractor in public works project dispute in Austin with site work subcontractor
- Representation of owner/developer/general contractor for subdivision development in Denton, Texas against civil engineer
- Representation of general contractor in multi-jurisdictional arbitration dispute with electrical subcontractor for restaurant projects in Southeast Texas
- Representation of subsidiary of Mexican corporation in dispute with general contractor over completion of corporate headquarters in San Antonio, Texas
- Representation of commercial ranching facility in dispute with general contractor over completion of major renovation of ranch facilities in Boerne, Texas
- Representation of out-of-state general contractor in indemnity dispute against project owner involving wage claims for public works project in South Texas
- Representation of out-of-state general contractor in Miller Act claim by concrete subcontractor on federal public works project in San Antonio, Texas
- Representation of general contractor on public housing project dispute with framing subcontractor in San Antonio, Texas
- Representation of national footwear retailer in dispute with general contractor over leasehold improvements project in major shopping mall in San Antonio, Texas
- Representation of building owner in Boerne, Texas against general contractor in dispute concerning design and construction defects
- Representation of out-of-state general contractor against electrical subcontractor in construction delay and quality dispute for hotel projects in San Antonio and Houston, Texas
- Representation of national eyewear retailer in dispute with general contractor over leasehold improvements projects in shopping mall locations in Chicago, Illinois
- General representation and counseling of owners, developers and contractors in negotiating construction, indemnity and insurance portions of construction-related agreements and contracts

Insurance Matters

- Representation of steel products company in coverage dispute with primary and excess carriers for defense and coverage of personal and advertising injury claims in federal court litigation
- Representation of national computer technology company in dispute with insurance broker regarding failure to properly notify and secure professional liability coverages for software development/implementation project
- Representation of amusement games vendor in premium audit dispute with surplus lines liability carrier
- Representation of tank manufacturer in dispute with insurance agent regarding failure to properly secure property damage coverage for commercial property damaged in warehouse fire in San Angelo, Texas
- Representation of national auto parts distributor in alignment with insurance agent/broker in premium audit dispute with workers compensation and liability insurer
- Representation of construction subcontractor in alignment with insurance agent/broker in additional insured coverage dispute with refrigeration contractor on commercial grocery project
- Representation of warehousing/transport facility owner in Laredo, Texas in dispute with insurance agents for failure to place proper motor vehicle liability insurance

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- Representation and counseling of nuclear energy plant facility in negotiation of insurance and indemnity provisions for plant expansion construction projects
- Representation and counseling of radiology group in connection with insurance defense and coverage of personal and advertising injury claims from displaced medical staff members
- Representation and counseling of South Texas sugar refinery in connection with liability and indemnity insurance requirements of contractor for boiler plant expansion
- Representation of railcar refurbisher in Cleburne, Texas regarding indemnity and additional insured claims from rail carrier lessor for employee injury claim
- Representation and counseling of local chemical manufacturer regarding insurance coverage issues for product creation, transport and release contingencies
- Representation and counseling of public electric cooperative in securing insurance defense and liability reimbursement for civil class action and criminal investigatory claims
- Representation of local restaurant chain against premium audit claims of liability insurer
- Representation and counseling of military retirement facility in connection with negotiation of insurance and indemnity provisions of contractor/vendor agreements
- Representation and counseling of food quality services provider in connection with negotiation of insurance and indemnity provisions of service provider agreements
- Representation of nonprofit research facility in connection with presentation of property damage loss claim to contractor/supplier and their liability insurers
- Representation and counseling of drilling contractor defendants in connection with presentation of liability claim demand to primary and excess insurers
- Representation and counseling of business and individual insureds in review, placement and renewal of coverages and presentation of claims for defense and coverage under liability and property damage policies

Technology Matters

- Representation of international health care supplement manufacturer/distributor in dispute with engineering company over faulty robotic packaging equipment for new product launch
- Representation of national value-added computer hardware reseller in dispute regarding provision of proper hardware components and warranty services
- Representation of national software customizer in dispute over implementation of and proprietary rights to customized financial services software program source code
- Representation of national jewelry manufacturer and retailer in dispute regarding improper design and implementation of customized retail ERP/POS systems

Real Estate Matters

- Representation of historical building renovation subsidiary in dispute regarding proposed tax credit renovation joint venture for historic bank building in San Antonio, Texas
- Representation of out-of-state real estate developer in dispute regarding letter of intent for sale/development/funding of property in Schertz, Texas
- Representation of limited liability company members in dispute regarding failed development and mismanagement of company affairs for commercial retail project in San Antonio, Texas

Other Matters

- Representation of executor/beneficiary in prolonged, multi-jurisdictional probate and trust disputes

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- Representation of national publisher in commission dispute with sales agent in Texas
- Representation of national sports drink and vitamin distributor in payment dispute with retail vendor in San Antonio, Texas
- Representation of tank manufacturer in products liability dispute regarding property damage from alleged faulty valve system

Seminars & Speeches

Construction Financial Management Association, 12th Annual Golf Tournament benefiting The Cindy P. Dennis Scholarship Fund

October 21, 2013

Rules and Tools for Construction in this Changing Market

August 28, 2012

Workshop: Indemnity Agreements and Insurance

June 13, 2011

Alamo Area Council Boy Scouts of America – Aim High & Let ‘Em Fly (Skeet Shoot)

May 12, 2011

Publications

"Don't Get Fined - The 9 Operating Rules CEOs Need to Know"

April 8, 2017

Texas CEO Magazine

News

Brett Schouest Discusses Building Fervor with *San Antonio Business Journal*

August 31, 2018

Brett Schouest Interviewed by *Metropolitan Corporate Counsel* Regarding Insurance Coverage

July 17, 2015

Memberships & Involvement

- American Bar Association
- State Bar of Texas, Construction Law Section; Insurance Law Section
- San Antonio Bar Association, Construction Law Section, Board Member; Litigation Section; Bexar County District
- Courts Committee; Law School Liaison Committee
- Texas Association of Defense Counsel
- Inns of Court
- State Bar College of Texas
- USLAW Network
- Texas Association of Bank Counsel

Community/Civic Activities

- Construction Financial Management Association, San Antonio Chapter
- Associated General Contractors, Member

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- Associated Builders and Contractors, Member
- Risk and Insurance Management Society, San Antonio Chapter
- Winston School, Board Member

Awards & Recognition

- *San Antonio Magazine*, "2019 Top Attorneys," Construction
- Recognized in *Texas Super Lawyers*® for Business Litigation; Insurance Coverage; Construction Litigation: Business, 2012, 2014-Present
- Martindale-Hubbell® BV® Distinguished™ Peer Review Rating
- Recognized in *The Best Lawyers in America*® for Commercial Litigation, 2006-Present. Copyright 2015 by Woodward/White, Inc., Aiken, SC
- "Texas Super Lawyer," in *Business Litigation Law*, Texas Monthly, 2014
- *San Antonio Young Lawyers Association*, "Outstanding Mentor Award," 2009