



Eric Martin

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Eric Martin is a financial services trial attorney with extensive experience at both the trial and appellate court level. His practice is centered on representing national banks, mortgage servicers, and broker-dealers in a wide variety of high exposure and complex claims. Eric excels at litigation strategy: by aggressively preparing from day one to take a case to trial, he enhances the probability of a successful outcome for his clients, whether at trial or other resolution.

Eric's experience in obtaining jury verdicts and arbitration awards for Fortune 500 companies informs his ability to navigate challenging claims and hostile jurisdictions. Eric is committed to understanding his client's industries and goals, and will design performance metrics and budgets to ensure client satisfaction. In addition to serving clients with his own expertise as a trial attorney, Eric is a trusted advisor who will build a team of Bryan Cave colleagues to provide his clients with top-level expertise in every legal area.

Eric has successfully represented financial institutions in precedent-setting individual suits and class action litigation. Recent examples include two favorable 8th Circuit Court of Appeals decisions that made fraud suits more difficult to bring against mortgage servicers, and a two-week arbitration on a multi-million-dollar claim against a broker-dealer that resulted in a defense verdict. In a case that the *New York Times* covered, he argued before the Missouri Supreme Court in December 2016 in an appeal that addressed numerous issues, including the right of a national bank to have a jury trial. Eric's financial services litigation practice also includes representing broker-dealers in class action litigation, customer litigation and arbitrations, intra-industry disputes, and FINRA arbitrations.

Additionally, Eric has an extensive complex litigation practice. For his real estate clients he has addressed a myriad of issues, such as eminent domain, radius

Practices

Commercial Disputes
Banking and Finance Disputes
Fintech
Finance
Agriculture and Food Disputes
M&A Disputes
Real Estate Disputes
Trust, Estate & Fiduciary Litigation
Eminent Domain
Real Estate
Litigation & Dispute Resolution
Higher Education Team
Higher Education Internal Investigations and Compliance
Class Actions
Consumer Financial Services: Regulatory, Enforcement and Litigation
Securities Litigation and Enforcement
Data Center and Digital Infrastructure Team

restrictions, and adverse possession. He regularly assists clients in the telecommunications industry with various permitting and litigation issues relating to cell towers and obtained one of the leading Telecommunications Act of 1996 decisions from the Eighth Circuit Court of Appeals. He has also represented non-profit clients, including schools, colleges, and universities, in a variety of legal matters. Eric was part of a trial team that secured a directed verdict for a university accused of defamation by a professor.

Missouri Lawyers Weekly named Eric one of the state's "Top Lawyers." He serves annually on the faculty of the National Trial Advocacy College at the University of Virginia School of Law, where he instructs students on various aspects of trial practice. Eric provides *pro bono* legal services to various religious, civic and charitable institutions, including Fellowship House, an addiction treatment facility. He also volunteers as a weekly tutor at an inner city elementary school.

Admissions

California, 2020

Michigan, 2018

Kansas, 2012

Illinois, 1997

Missouri, 1996

United States Courts of Appeals for the Seventh, Eighth and Tenth Circuits

United States District Courts for the Eastern and Western Districts of Missouri; Central, Northern and Southern Districts of Illinois; Central and Northern Districts of California; District of Kansas; Eastern District of Wisconsin; and Eastern and Western Districts of Michigan

Education

University of Illinois, J.D., *magna cum laude*, 1996

Bradley University, B.A., *summa cum laude*, 1993

Civic Involvement & Honors

- *Missouri/Kansas Super Lawyers*, Business Litigation (2010-2011, 2013-2016)
- Instructor, National Trial Advocacy College at the University of Virginia School of Law (2008-2009, 2013-present)
- Named a “Top Lawyer” by *Missouri Lawyers Weekly* (2006)
- AV Rated by Martindale-Hubbell, AV® Preeminent™ 5.0 out of 5.0
- Tutor at Sigel Elementary School, 2014 to present
- Organizing Committee, Water Mission, Kirkwood Walk for Water, 2016 to present
- *Pro bono* counsel for First Presbyterian Church of Kirkwood and Fellowship House, an addiction treatment facility

Professional Affiliations

- American Bar Association, Securities Litigation Committee; Commercial and Business Litigation Committee; Real Estate Litigation Committee
- The Bar Association of Metropolitan St. Louis
- The Illinois State Bar Association
- The Missouri Bar

Representative Experience

Financial Services Litigation: Banking and Mortgage Servicing

- Eric represents national banks and mortgage servicers in various litigation matters, including wrongful foreclosure claims and claims under the Real Estate Settlement Procedures Act (RESPA), the Missouri Merchandising Practices Act (MMPA), the Illinois Consumer Fraud and Deceptive Business Practices Act (ICFA), the Kansas Consumer Protection Act (KCPA), the Telephone Consumer Protection Act (TCPA), and the Fair Debt Collections Practices Act (FDCPA).
- Eric successfully represented a cryptocurrency exchange against claims of fraud and breach of contract in a JAMS arbitration in San Diego that resulted in a complete defense verdict.
- Eric argued before the Missouri Supreme Court in December 2016 and convinced the Court to vacate a multi-million dollar judgment against a national bank and remand the case for a new trial on damages.
- In August 2017, Eric prevailed in an appeal before the Missouri Court of Appeals, Eastern District on behalf of one of the nation's largest mortgage servicers in a declaratory judgment action in which plaintiffs sought to avoid a \$1 million obligation on their property based upon various Uniform Commercial Code arguments. Eric was lead trial counsel in the underlying trial victory.
- Eric obtained a precedent-setting ruling in the 8th Circuit Court of Appeals that made fraud and negligent misrepresentation claims more difficult to assert against financial institutions.
- Eric obtained summary judgment in the Western District of Missouri federal court on an MMPA claim following the 8th Circuit decision referenced above. The Court's dismissal was one of the first rulings in favor of a mortgage servicer on an MMPA claim following Missouri Supreme decisions that expanded MMPA liability to servicing activities.

- Eric obtained a dismissal of a federal class action suit regarding the type of notice that a foreclosure sale purchaser must provide. The Court relied on the *Wilson* decision, explained in the next bullet point.
- In *Federal National Mortgage Association v. Wilson*, 409 S.W.3d 490 (Mo. App. 2013), Eric convinced the Missouri Court of Appeals, in an issue of first impression, to overturn a trial court ruling and established that a foreclosure sale purchaser was entitled to immediate possession without further demand.
- Eric persuaded the 8th Circuit Court of Appeals to affirm the dismissal of the borrower's claims and sustain heightened standards for asserting fraud claims.
- Eric obtained summary judgment in a federal class action in the Eastern District of Missouri challenging the securitization of asset backed securities and a national bank's loan modification procedures.
- In 2013, Eric represented a financial services company in a successful settlement of a class action involving alleging UCC violations relating to sales of vehicles following repossession.
- In September 2012, Mr. Martin obtained a defense verdict in a jury trial in Jackson County, Missouri for a national bank in a dispute with the world's largest property restoration company.
- In 2012, Mr. Martin represented a national bank in a successful settlement of class action involving the Second Mortgage Loan Act in the Western District of Missouri.

Financial Services Litigation: Broker-Dealer and Securities

As a member of the firm's Securities Litigation and Enforcement Group, Mr. Martin represents broker-dealers in class action litigation, customer litigation and arbitrations, and intra-industry disputes.

Eric obtained a verdict for a broker-dealer in an intra-industry dispute involving a former independent contractor. The arbitration was one of the first ones held virtually on FINRA's Zoom platform following the onset of the pandemic.

Eric has obtained numerous Awards in promissory note cases for broker-dealers. For example, in *Waddell & Reed v. McGaffey*, 2016 WL 4537833 (Aug. 23, 2016), the FINRA Panel awarded Eric's client the full amount sought in a promissory note case despite the respondent's vigorous assertion of various defenses.

Eric successfully represented a St. Louis-based securities firm in a 4-day arbitration in Chicago in which defamation claims were asserted.

Eric successfully represented a Kansas City securities firm in a 9-day arbitration hearing in Chicago in which defamation claims were asserted.

Eric represented a St. Louis-based securities firm in a month long arbitration in Memphis, Tennessee.

Eric obtained summary judgment for the Employees Retirement System of the City of St. Louis in a breach of contract claim in the Circuit Court for the City of St. Louis. Following Eric's oral argument in November 2019, the Missouri Court of Appeals, Eastern District, affirmed the trial court's decision.

Eric successfully represented a national broker dealer in a two week arbitration on a multi-million-dollar defamation claim that resulted in a defense verdict.

Eric defended a federal class action involving an alleged \$150 million shortfall in a pre-need funeral trust in a case that concluded successfully for his client.

Eric successfully represented a broker-dealer in a two week multi-million dollar FINRA arbitration involving a raiding claim brought by a rival broker-dealer.

Eric successfully represented a broker dealer in a federal trial in the Southern District of Illinois involving the timing of the sale of an unregistered security.

Eric obtained a directed verdict in a FINRA arbitration involving "selling away" claims.

Eric obtained a favorable award in defending a broker-dealer and two financial advisers in a FINRA arbitration involving non-compete and tortious interference claims brought by another broker-dealer.

Eric has regularly appeared before appellate courts and obtained favorable decisions overturning trial courts on the issue of whether disputes are arbitrable.

- In *Schwarz v. Gierke*, 788 N.W. 302 (N.D. 2010), Eric convinced the North Dakota Supreme Court to reverse a trial court decision regarding the arbitrability of a dispute.
- In a pair of appellate decisions in the same case--*Hollingshead v. A.G. Edwards & Sons, Inc.*, 396 Ill.App.3d (5th Dist. 2009) and 2012 IL App (5th) 120095-U--Eric successfully argued that the trial court entered erroneous orders denying motions to compel arbitration.

Real Estate Litigation

Eric has an extensive background in real estate litigation such as condemnation, lease enforcement, radius restrictions, and adverse possession. Eric's background is distinctive in this area in that he has successfully tried real estate disputes to verdict in both the jury and bench trial contexts and has obtained significant appellate victories.

In *Hemsath v. City of O'Fallon*, 261 S.W.3d 1 (Mo.App. E.D. 2008), Eric convinced the appellate court to reverse a million dollar plus verdict involving an alleged breach of a real estate covenant and enter judgment in favor of his client.

Eric has represented both condemning authorities and property owners in eminent domain actions.

- For example, he has represented landowners in a high profile condemnation matter involving a prominent building in downtown St. Louis, a matter which was covered by *The St. Louis Business Journal*.

- Eric represented a municipality affected by numerous condemnation actions arising out of the expansion of Lambert-St. Louis International Airport.
- In a rarely used condemnation proceeding, Eric represented a building owner in a condemnation of a leasehold interest brought by the federal government.

Eric obtained a defense verdict for a property owner in a Madison County, Illinois jury trial involving an adverse possession claim.

Eric obtained a verdict in favor of a high-end shopping center seeking to enforce radius restriction in St. Louis County.

Eric successfully represented the Federal Reserve Bank of St. Louis in an injunction action involving the development of a parking garage.

Telecommunications Litigation

Eric assists telecommunications carriers and tower leasing companies in obtaining permits for cell towers. When litigation is required, Eric has extensive experience in litigating challenges to telecommunications permits in federal court under the Telecommunications Act of 1996 (“TCA”) and state court certiorari proceedings.

In *USCOC of Greater Missouri, LLC v. County of Franklin, Missouri*, 636 F.3d 927 (8th Cir. 2011), Eric convinced the Eighth Circuit Court of Appeals to reverse a federal district court decision and order that barriers to the construction of a telecommunications tower be removed. The resulting opinion is one of the strongest TCA decisions in the nation.

Apart from permitting issues, Eric has broad experience representing telecommunication clients in a variety of contexts. For example, Eric obtained a defense verdict for a national telecommunications carrier in a St. Louis County jury trial involving revenue sharing.

Speaking Engagements

- Presenter, “Brave New World: Strategies for Effective Objections to Written Discovery,” Bar Association of Metropolitan St. Louis, September 2020
- Presenter, “Ethics Traps for In-House Counsel,” BCLP Ethics Seminar, August 2020
- Presenter, “Demonstration of Closing Statement,” Trial Advocacy College at the University of Virginia School of Law, Charlottesville, Virginia, January 2019
- Presenter, “Developments in the Law,” Missouri Bankers Association Conference, October 2018
- Panel Member, “Appellate Lawyering in the Trenches,” Bar Association of Metropolitan St. Louis, May 2017
- Panel Member, “Insider’s Guide to Class Action Litigation,” Bar Association of Metropolitan St. Louis, September 2012
- Presenter, “Dealing with Troubled Tenants in Troubled Times,” Building Owners and Managers Association of Metropolitan St. Louis, St. Louis, Missouri, April 2009
- Presenter, “Demonstration of Cross Examination of Expert Witness,” Trial Advocacy College at the University of Virginia School of Law, Charlottesville, Virginia, January 2009
- Presenter, “Demonstration of Direct Examination of Expert Witness,” Trial Advocacy College at the University of Virginia School of Law, Charlottesville, Virginia, January 2008
- Presenter, “Electronic Discovery in the Information Age,” Brown Smith Wallace CIO Council, St. Louis, Missouri, June 2007
- Presenter, “Game Under Protest: Key Differences Between Courts and Arbitrations,” Blackwell Sanders Corporate Counsel CLE, St. Louis, Missouri, May 2007

Events

**St. Louis Partners Present at
2019 Bench & Bar Conference**

