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Services

Employment and Labor
Artificial Intelligence
Employee Benefits and ERISA
Employment Litigation
Governmental and Public
Entities
Human Resources Counseling
and Training
Labor Relations
Litigation and Dispute Resolution
Insurance Litigation
Appeals
Class and Collective Actions

Industries

Higher Education
K-12 Education

Education

University of Michigan Law School,
J.D., 2005



Brian Schwartz

Principal
Employment and Labor Group
Leader

Brian Schwartz represents management in various aspects of labor and employment counseling and litigation.

His practice focuses on defending single-plaintiff and class-action lawsuits involving retiree health benefit disputes, employment discrimination (race, gender, and disability discrimination), harassment, and retaliation claims, as well as wage and hour claims, FMLA claims, ERISA disputes, Title IX claims, Freedom of Information Act and due process lawsuits. He also counsels employers on drafting enforceable non-competition, non-solicitation and confidentiality agreements and litigating related claims.

Representative Matters

- Represented a university in Title IX litigation brought by female student-athletes following the elimination of its combined men's and women's swimming and diving team, ultimately resolving the case through a settlement that did not require the reinstatement of the team.
- Defended several universities in Title IX litigation by female student-athletes alleging violation of Title IX's requirements regarding participation, financial aid, and treatment and benefits.
- Serving as lead counsel for a university in multiple high-profile lawsuits involving Title IX, the Due Process Clause, Equal Protection Clause, discrimination claims, allegations of sexual assault and FOIA claims, obtaining successful dismissals and reasonable settlements.
- Secured a complete defense verdict in a jury trial for a university and its medical center in a discrimination and retaliation lawsuit brought by a former

Brian Schwartz

Cornell University, B.S., 2002

Bar Admissions

Michigan

Court Admissions

U.S. Supreme Court

U.S. Court of Appeals

- Sixth Circuit
- Seventh Circuit
- Ninth Circuit

U.S. District Courts

- Eastern District of Michigan
- Western District of Michigan
- Northern District of Illinois (general bar)
- Northern District of Ohio
- Eastern District of Wisconsin

senior administrator, successfully demonstrating legitimate reasons for the elimination of plaintiff's position.

- Achieved a major appellate victory for a university and its lab director in a wrongful death case, with the Sixth Circuit reversing the district court and ordering dismissal of all claims.
- Resolved a proposed class action challenging a university's relocation of its softball team through protracted mediation, ultimately reaching a settlement that led to dismissal of the lawsuit.
- Successfully defended an ERISA action seeking over \$350,000 in fringe benefit contributions.
- Obtained summary judgment in a discrimination, tort and ERISA interference lawsuit brought by a former employee, defeating broad discovery efforts and securing dismissal of all claims on behalf of a major utility company.

Reported and Published Decisions

Animal Partisan v. Univ. of Michigan Bd. of Regents, __ Mich App __, __ N.W.3d __, 2026 WL 59719 (Mich. Ct. App. Jan. 7, 2026) (affirming dismissal of Freedom of Information Act claims based on application of the intellectual property exemption set forth in the Confidential Research and Investment Information Act)

Beny v. University of Michigan, 2025 WL 2124175 (6th Cir. July 29, 2025), affirming 740 F.Supp.3d 621 (E.D. Mich. 2024) (affirming grant of summary judgment in employment discrimination case brought by current law professor)

Baltrusaitis v. UAW, et al, 133 F.4th 678 (6th Cir. 2025) (affirming dismissal of claims arising from alleged bribery scheme)

Kerchen v. Univ. of Michigan, 100 F.4th 751 (6th Cir. 2024) (reversing denial of governmental and qualified immunity)

Wurster v. Univ. of Michigan Regents, 2024 WL 4865972 (Mich. Ct. App. Nov. 21, 2024) (affirming jury verdict in favor of defendant in age and sex discrimination case)

Baltrusaitis v. UAW, et al., 86 F.4th 1168 (6th Cir. 2023) (affirming dismissal of LMRA and civil RICO claims arising from alleged bribery scheme)

Balow v. Michigan State Univ., 620 F. Supp. 3d 694 (W.D. Mich. 2022) (granting preliminary injunction but denying requested relief of the reinstatement of the eliminated varsity team)

Brian Schwartz

Zwiker v. Lake Superior State Univ., 340 Mich. App. 448, 986 N.W.2d 427 (2022) (affirming dismissal of COVID-19 tuition refund claims)

Doe v. Michigan State Univ., 989 F.3d 418 (6th Cir. 2021) (affirming denial of due process, equal protection, and Title IX claims brought by former medical student expelled for sexual misconduct)

Perna v. Health One Credit Union, 983 F.3d 258 (6th Cir. 2020) (affirming dismissal of claims against defunct credit union based on application of the Federal Credit Union Act, which was found to deprive all courts of jurisdiction)

Foster v. Bd. of Regents of Univ. of Michigan, 982 F.3d 960 (6th Cir. 2020) (affirming grant of summary judgment in Title IX peer-on-peer harassment claim)

Briggs v. Nat'l Union Fire Ins. Co. of Pittsburgh, PA, 774 F. App'x 942 (6th Cir. 2019) (affirming dismissal of ERISA claims based on alleged failure to disclose policy exclusion)

Perkins v. Rock-Tenn Servs., Inc., 700 F. App'x 452 (6th Cir. 2017) (affirming grant of summary judgment in Equal Pay Act and Elliott-Larsen Civil Rights Act pay discrimination case)

Wallace v. Wayne County, 602 F. App'x 223, 2015 WL 480224 (6th Cir. Feb. 6, 2015) (affirming dismissal of claims alleging First Amendment retaliation and retaliation in violation of the Michigan Whistleblower's Protection Act)

Detroit Pub. Sch. v. Conn, 308 Mich. App. 234, 863 N.W.2d 373 (2014) (affirming dismissal of Michigan Payment of Wages and Fringe Benefit Act claims arising from pay deduction program authorized by collective bargaining agreement)

Griffor v. DTE Energy, 2013 WL 3450032 (Mich. App. Ct. July 9, 2013) (discrimination, harassment and retaliation)

Madry v. Gibraltar National Corp., 2012 WL 2097357 (6th Cir. May 16, 2013) (Family and Medical Leave Act)

Greer v. Detroit Public Schools, 507 Fed.Appx 567 (6th Cir. Dec. 6, 2012) (deprivation of property and liberty claims in violation of rights protected the U.S. Constitution)

Allen v Sears Roebuck and Co., 803 F.Supp.2d 690, 2011 WL 1044484 (E.D. Mich. Mar. 10, 2011) (age discrimination)

Billings v Michigan Ability Partners, 795 N.W.2d 10 (Mich. 2011) (in lieu of granting leave, reversing court of appeals decision that reinstated disability discrimination claim)

Boeing Co. v March, 656 F.Supp.2d 837 (N.D. Ill. 2009) (retiree health benefit claims under the Labor Management Relations Act and the Employee Retirement Income Security Act)

Leannah v Alliant Energy Corp. and Wisconsin Power & Light Co., 607 F.Supp.2d 946 (E.D. Wis. 2009) (dismissing retiree health benefit claims under the Labor Management Relations Act and the Employee Retirement Income Security Act)

Dobrowski v. Jay Dee Contractors, Inc., 571 F.3d 551 (6th Cir. 2009) (affirming grant of summary judgment in FMLA case after employee was terminated upon return from leave)

Brian Schwartz

Williams v Detroit Bd. of Educ., 523 F.Supp.2d 602 (E.D. Mich. 2007), aff'd, 306 F. App'x 943 (6th Cir. 2009) (dismissing defamation claims)

Honors

Chambers USA, Employment and Labor, 2023–present

The Fellows of the Michigan State Bar Foundation

State Bar of Michigan Pro Bono Honor Roll, 2021

Best Lawyers in America, Labor and Employment Litigation & Employment Law - Management, 2021–present; 2026 Detroit Lawyer of the Year, Labor and Employment Litigation

DBusiness Magazine, Top Lawyer, Labor and Employment, 2020–present; Top Young Lawyer, 2015

Michigan Super Lawyers, Employment Litigation Defense, 2014–present; Rising Star 2010–2013

Michigan Lawyers Weekly, Go-To Lawyer for Employment Law, 2025; Up and Coming Lawyer, 2012

University of Michigan Law School, cum laude; honors in Legal Practice Program; Michigan Journal of International Law Articles Editor, 2004–2005; Published Author, Robert S. Feldman Labor Law Award, 2005; Eric Stein Award, 2005
University of Michigan Law School Hockey Team, Captain

Cornell University, Dean's List; Lambda Chi Alpha Fraternity

Denmark International Studies Program

Professional Activities

American Bar Association, Employee Benefits Committee; Co-Chair, Subcommittee on Collective Bargaining and Employee Benefits

State Bar of Michigan

Oakland County Bar Association

Speeches

"Title IX Athletics Equity: Pragmatic Approaches to Participation and Scholarship Equity," Panelist, NACUA 2023 Annual Conference

"Beyond COVID-19: Managing and Motivating a Hybrid Workforce," Miller Canfield 2022 HR Fall Training Camp

"Recovering from COVID-19: The Future of Work in Michigan," Miller Canfield 2021 Employment Law Webinar

Brian Schwartz

"Reopening Business: Employer Issues and Risks," Michigan Manufacturers Association webinar, May 14, 2020 (audio recording)

"Billing that Works for You and Your Clients," Institute of Continuing Legal Education, Breakfast Basics: Alternative Fee Arrangements, October 28, 2016, Ann Arbor, Michigan (Co-Presenter)

"Independent Contractor vs. Employee," American Payroll Association, Detroit Chapter, March 11, 2011, Novi, Michigan

"How Independent Are Your Contractors?," Michigan Manufacturers Association, November 11, 2010, Lansing, Michigan

Publications

"UMich Says Allowing Protest Suit Would 'Eviscerate' Immunity," Law360, Quoted, December 17, 2025

"Michigan Ruling Casts Doubt on Employment Suit Time Limits," Law360, Quoted, August 1, 2025

"Michigan Courtroom Evidence Annotated," ICLE, Sixth Edition, Co-Author, 2023

"Colleges cut sports to save money amid the pandemic. Then came the Title IX lawsuits." (Quoted), *The Washington Post*, March 26, 2021

"Employment at Will: A State-by-State Survey," (Chapter Author), American Bar Association, Section of Labor and Employment Law, 2011, 2014 and 2018 Supplement

"Employee Benefits Law," Contributing Author, Fourth Edition; and Chapter Editor, 2018 Cumulative Supplement, Bloomberg BNA

"The Family Medical and Leave Act," (Contributing Author), 2013 Cumulative Supplement, Bloomberg BNA

"Collectively Bargained Retiree Health and the Demise of *Yard-Man* – Employer Perspectives," ABA Section of Labor and Employment Law Employee Benefits Committee Newsletter, Spring 2015

"Legal Eagles," *dbusiness Magazine*, Top Young Lawyer profile, July/August 2015

Brian Schwartz

"Asked and Answered: Brian Schwartz on Lane v. Franks," Detroit Legal News, July 17, 2014

"NLRB Rulings Clarify Supervisory Exemptions," Labor and Employment Lawnotes (Winter 2007)

"WTO and GMOs: Analyzing the European Community's Recent Regulations Covering the Labeling of Genetically Modified Organisms," 25 Mich. J. Int'l L. 771 (2004)

Articles

Can One Claim Bar An Entire Case From Arbitration? The Sixth Circuit Expands EFAA Exception to Mandatory Arbitration

Sixth Circuit Holds Interest & Ability Required to Add Teams, Signals Title IX Athletics Regs Outdated

Michigan Supreme Court – Contractually Shortened Period of Limitations in Employment Agreements May Need Another Look

House v. NCAA Settlement: More questions raised than answered

One-Two Punch Delivered to Department of Education on DEI

Key Changes in the Revised Earned Sick Time Act for Michigan Employers

Michigan Court of Appeals: No Parental Indemnification for Child Injuries

Not So Fast: Texas Court Blocks Department of Labor Overtime Rule

Deep in the Heart of Texas: Court Blocks FTC Non-Compete Rule

Michigan Supreme Court Poised to Rule on Constitutionality of Controversial 'Adopt-and-Amend' Policy

U.S. Court of Appeals for the Sixth Circuit Rejects Congress's Abrogation of Immunity for Lawsuits Against States for ADA Retaliation Claims

National Business Associations File Suit to Block New DOL Overtime Rule

Michigan Supreme Court Expands Liability Under Anti-Discrimination Statute; Endorses Third-Party Retaliation Theory

U.S. Department of Education: Highly Anticipated Title IX Regulations Published, Compliance Required by August 1, 2024

College Basketball Players Entitled to Union Election: Regional Director Dunks on Dartmouth

DOL Issues Final Rule Addressing Independent Contractor Status

Sixth Circuit: Emeritus Professor Status Does Not Create Constitutionally Protected Property Interest

EEOC Issues Long-Awaited Proposed Harassment Guidance

U.S. Supreme Court Raises the Bar for Employers in Religious Accommodation Cases

Brian Schwartz

Supreme Court Severely Limits Consideration of Race in Higher Education Admissions

U.S. Department of Education Proposes New Title IX Rules on Transgender Student-Athletes

SCOTUS: Public School Children with Disabilities Can Get Compensatory Damages

Michigan Court of Appeals: 'Adopt And Amend' Strategy Is Constitutional; Current Paid Medical Leave and Minimum Wage Laws Remain For Foreseeable Future

DOL Issues Proposed Rule Addressing Independent Contractor Status

EEOC Releases Updated 'Know Your Rights' Poster

Michigan Court of Appeals Decision Cautions Need for Review of Arbitration Agreements in Employee Handbooks

Michigan Court Paves Way for Minimum Wage Increases and Paid Sick Leave

Supreme Court Holds Emotional Distress Damages Are Not Recoverable for Claims Arising Under Some Antidiscrimination Statutes

Arbitration of Fiduciary Breach Claim Cannot Be Compelled by Relying on Individual Employment Agreements

Michigan AG: Public Bodies Must Offer Reasonable Accommodations Under the ADA Which Could Include a Remote Participation Option for Meetings Held Pursuant to the Open Meetings Act

Important Reminder from the U.S. Supreme Court - Just Giving Plan Participants Options Is Not Enough to Satisfy the Duty of Prudence

Supreme Court Reinstates Stay on OSHA's COVID-19 Vaccination and Testing ETS, Permits CMS' COVID-19 Health Care Vaccination Rule

Sixth Circuit Lifts Stay on OSHA's ETS Requiring COVID-19 Vaccination or Testing; OSHA Issues New Compliance Deadlines

Appellate Court Halts OSHA's Emergency Temporary Standard Requiring Mandatory COVID-19 Vaccination or Testing

White House Announces New Measures to Fight COVID-19 Pandemic

Gathering and Face Mask Order Lifted, But MIOSHA Workplace Rules Remain In Place

OSHA Updates General Workplace COVID-19 Guidance, Issues Emergency Temporary Standard for Health Care Settings

EEOC Updates Its Guidance Concerning COVID-19 Vaccine Policies in the Workplace

MIOSHA Updates Workplace COVID-19 Emergency Rules

DOL Withdraws Trump-Era Independent Contractor Rule

COVID-19 Vaccinations and Legal Considerations for Employers

Michigan Legislature Paves Way for College Athletes to Get Paid for Use of Their Name or Likeness

Brian Schwartz

COVID-19 Vaccinations: Legal Considerations for Employers

Michigan Extends COVID-19 "Three-Week Pause" Order through December 20th

Michigan Enacts COVID-19 Liability Shield and Employee Protection Bills

Michigan Governor Lacks Authority to Continue COVID-19 State of Emergency, Supreme Court Rules

COVID-19 Frequently Asked Questions: Employee Health Screening

Governor Rescinds Stay-At-Home Order, Moving Michigan to the Next Phase of "Safe Start" Plan

Michigan Governor Updates, Revises Stay-Home Order and Workplace Safety Order

Michigan Governor Relaxes Stay-Home Order in Northern Michigan, Addresses Workplace Safeguards

U.S. Department of Education: New Title IX Protocols Required By August 14, 2020

Recommended Steps to Bring Employees Back to the Workplace

Michigan's Newest Stay-At-Home Order: Amendments Employers Need to Know

Michigan Gov. Orders: No Adverse Action Against Workers Who Must Stay Home to Prevent COVID-19 Spread

COVID-19: DOL Issued Regulations in Implementing the Families First Coronavirus Response Act

Dept. of Labor's Updated FAQs for Family First Coronavirus Response Act (Part II)

Dept. of Labor's Updated FAQs for Family First Coronavirus Response Act

CARES Act: Revisions to the FFCRA, Expansion of Unemployment Benefits and Coverage

Worker Adjustment and Retraining Notification Act ("WARN Act") Summary

COVID-19: Dept. of Labor Issued Guidance On Extended FMLA and Mandatory Sick Pay

Understanding Health Insurance Issues Related to Layoffs and Furloughs

How the "Families First Coronavirus Response Act" Affects Employers

COVID-19: CDC Issues Interim Guidance For Colleges and Universities

Coronavirus and the Workplace

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Supreme Court Clarifies "Actual Knowledge" Requirement for Shortened ERISA Statute of Limitations

US Supreme Court Clarifies Language Triggering Class-wide Arbitration

Department of Education Proposes New Rules to Govern Title IX Compliance

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Employees Can Be Required to Arbitrate FLSA Claims

Supreme Court Rejects Argument that FLSA Exemptions Should Be Narrowly Construed

Supreme Court Reaffirms Rejection of Inferences in Retiree Health Benefit Dispute

District Court Invalidates DOL's White Collar Regulations

Department of Labor Seeks Comments on New Overtime Rules

Update on Challenge to Overtime Rule

Fifth Circuit Expedites Review of Challenge to FLSA Overtime Changes

Reminder: Michigan's Minimum Wage Increases to \$8.90/Hour

Student Athletes Are Not Employees, Seventh Circuit Rules

Texas Federal Court Issues Last-Minute Injunction, Blocks Changes to Overtime Rules

DOL's 'Persuader' Rule Blocked By Texas Judge

Supreme Court: Constructive Discharge Limitations Period Starts When Employee Resigns

New Overtime Rules Issued: Employers Must Review Status By Year-End

Supreme Court Expands First Amendment Protections For Public Employees

DOL Issues Groundbreaking Fiduciary Investment Rules

Sixth Circuit Holds Residential-loan Underwriters are Exempt Under the FLSA

Sixth Circuit Rules That Employees Are Not Entitled to Vested Health Benefits

Miller Canfield Secures Court Order Stopping Enforcement of Law Barring Objectively Neutral Speech by Public Officials

Supreme Court Rules That Unaccepted Offer of Judgment Does Not Moot Class Action & NLRB Doubles Down on Horton and Expands Its Reach

DOL Issues an Administrator's Interpretation Regarding Joint Employment

Notice of Future Termination Does Not Constitute Immediate Employment Loss Under the WARN ACT

Reminder: Michigan's Minimum Wage Increases to \$8.50/Hour

2015 Affordable Care Act Form 1094 and 1095 Deadlines Extended

Supreme Court Enforces Class Action Arbitration Waiver

SCOTUS: Timeliness of Fiduciary Breach Claim May Depend on Alleged Failure to Monitor Selection of Investment Options

Brian Schwartz

SCOTUS: Federal Agencies Can Change Interpretive Rules Without Formal Process

U.S. Supreme Court Rebukes Reliance on Yard-Man In Retiree Health Benefit Dispute

Employee Time Spent During Security Screenings Is Not Compensable

Job Applicant Denied Whistleblower Protection in Sixth Circuit

Volunteers Are Not "Employees" Protected From Employment Discrimination Under Title VII

NLRB Clarifies Independent Contractor Standard

ESOP Fiduciaries Are Not Entitled to a Presumption of Prudence

U.S. Supreme Court Rules that Sworn Testimony by Employee is Protected by the First Amendment

U.S. Supreme Court Case Could Alter Retiree Health Benefit Landscape

Attempting To Maintain Payroll Flexibility?