

FACT SHEET

THE SCHWARTZ NOMINATION



Stephen S. Schwartz has been nominated by President Trump to serve as a judge on the United States Court of Federal Claims (“CFC”), the same court to which Damien Schiff has been nominated. Schwartz, 34, has already had a career as a zealous advocate, immersing himself in litigation focused on attacking critical legal protections for women, transgender youth, immigrants, and people of color. Notably, he worked for the Koch Brothers-funded Cause of Action Institute.

RACIAL JUSTICE

Schwartz argued on behalf of the state of North Carolina in a failed attempt to get the U.S. Supreme Court to review a lower court’s ruling against the state’s efforts to make it more difficult to vote. In legal papers, he argued that the Fourth Circuit had erred by striking down the state’s racially discriminatory voter ID law. In its ruling, the Fourth Circuit had observed that the law “target[s] African Americans with almost surgical precision.”

ENVIRONMENT

Schwartz worked extensively on behalf of BP in litigation following the devastating Deepwater Horizon explosion and oil spill in the Gulf of Mexico in 2010. Schwartz argued that BP was not liable for civil damages under the Clean Water Act. Schwartz worked in various roles representing BP through 2015.

As co-counsel for the Rocky Mountain Farmers Union, Schwartz participated in a lawsuit challenging Low Carbon Fuel Standard (LCFS) regulations for motor fuel used in California. Schwartz claimed that the “State of California, in the name of combatting global warming, has violated the basic norms of interstate federalism.”

IMMIGRANTS’ RIGHTS

Schwartz filed a brief on behalf of Florida Governor Jeb Bush in support of Arizona’s decision to defend its law denying driver’s licenses to Deferred Action Childhood Arrivals (DACA) recipients.

TRANSGENDER RIGHTS

In 2017, Schwartz, as co-counsel for the Gloucester County (Virginia) School Board, filed a brief arguing that Title IX does not protect transgender Americans. He argued that Gavin Grimm, a transgender high school boy, should not be allowed to use the men’s restroom.

REPRODUCTIVE RIGHTS

Schwartz is currently representing the State of Louisiana, which is defending against constitutional challenges to seven bills passed by the Louisiana Legislature in 2016 that severely restrict access to abortion care. He is also representing the state in a lawsuit challenging another law that restricted women’s access to abortion care by requiring physicians performing abortions to have admitting privileges at a local hospital. The Supreme Court already has struck down similar legislation in Texas that had an admitting privileges requirement.

WORKERS’ RIGHTS

In 2014, Schwartz filed an amicus brief on behalf of publishing companies including the Christian Booksellers Association in the Supreme Court’s controversial *Hobby Lobby* case. The publishing companies, like Hobby Lobby, were for-profit corporations seeking to invalidate the requirement in the Affordable Care Act that employers provide insurance coverage for contraception.

Schwartz served as counsel for a business owner alleged to have violated the Fair Labor Standards Act. Rhea Lana ran a for-profit franchise that sold used children’s toys, clothing and furnishings. Rather than pay its employees, Rhea Lana relied on “volunteer” mothers and grandmothers as salespersons. For decades, the Department of Labor has read the Fair Labor Standards Act to prohibit-for-profit, private-sector entities from using volunteer workers. The Department sent Rhea Lana a letter informing it that its failure to pay salespeople violated the law. Schwartz represented Rhea Lana in its challenge to the Department.

STEPHEN SCHWARTZ’S LEGAL PRACTICE HAS FOCUSED ON ATTACKING CRITICAL LEGAL PROTECTIONS FOR VULNERABLE AMERICANS. ALLIANCE FOR JUSTICE BELIEVES HE SHOULD NOT BE CONFIRMED TO THE FEDERAL BENCH.