



JONATHAN B. POTTS

Partner

St. Louis

E: jonathan.potts@bclplaw.com

T: [+1 314 259 2403](tel:+13142592403)

BIOGRAPHY

Jonathan is a class action defense attorney and commercial litigator who represents businesses in high-stakes lawsuits throughout the country. He is the co-leader of the firm's Consumer Fraud Team. Jonathan has spent his career defending multi-state and nationwide putative class actions for clients in all sectors, including e-commerce, financial services, manufacturing, retail, and sports. Jonathan defends clients in some of the most visible litigation in the country. He previously represented all National Hockey League clubs in multidistrict litigation regarding the long-term effects of head injuries. He currently serves as National Coordinating Counsel for the NCAA's portfolio of sports injury litigation.

As a commercial litigator, Jonathan represents both plaintiffs and defendants in complex business disputes. His clients span all industries and sizes, and include Fortune 500 companies, financial institutions, and closely-held businesses. Jonathan frequently defends directors and officers in

shareholder disputes and advises clients' executive teams on minimizing their litigation exposure in connection with M&A transactions, shareholder votes, corporate governance matters, and naming rights/sponsorship deals.

Jonathan has tried civil cases to jury verdict in both state and federal court, as well as bench trials and arbitrations. Jonathan also has a robust pro bono practice committed to wrongful convictions. In separate instances, Jonathan has exonerated three men wrongfully convicted of murder after spending decades in prison. In 2021, *Missouri Lawyers Weekly* named Jonathan "Lawyer of the Year" for the exoneration of client Donald Nash of capital murder. Most recently, the Circuit Attorney for the City of St. Louis appointed Jonathan as a special prosecutor to try the first prosecution-led wrongful conviction case in St. Louis history. In 2023, the *American Lawyer* named Jonathan "Litigator of the Week" for that trial, which resulted in the exoneration of Lamar Johnson after 28 years in prison for first-degree murder.

In addition to his U.S. law degree, Jonathan holds French law degrees in law & economic globalization from Sorbonne Law School and economic law from Sciences Po Law School.

AREAS OF FOCUS

- Consumer Fraud

CIVIC INVOLVEMENT & HONORS

- *The Best Lawyers in America*®: *Ones to Watch*, Commercial Litigation and Mass Tort Litigation/Class Actions, 2022-2025
- *St. Louis Business Journal*, "40 Under 40," 2023
- Law360, "Rising Stars" – Sports & Betting, 2023
- *American Lawyer*, "Litigator of the Week," 2023
- Theodore McMillian American Inns of Court, 2018-2023
- *Missouri Lawyers Weekly*, "Lawyer of the Year," 2021
- Missouri & Kansas *Super Lawyers* "Rising Stars," 2017-2021
- Salvation Army Young Professionals Group, Board Member, 2014-2016
- Young Friends of St. Luke's, Board Member, 2012-2015

- Friends of St. Luke's, Board Member, 2011-2014
- UVA Club of St. Louis, President, 2012-2013
- *Virginia Journal of International Law*, Executive Editor, 2009-2010
- UVA Law School, Class President, 2008-2009

PROFESSIONAL AFFILIATIONS

- Missouri Bar Association
- Bar Association of Metropolitan St. Louis

COMMITTEE CONTENT

- Recruiting Committee

SPOKEN LANGUAGES

- French

ADMISSIONS

- Illinois, 2012
- Missouri, 2011

EDUCATION

University of Virginia, J.D., 2011

University of Paris I Pantheon-Sorbonne, M. Pro, with honors, 2011

Sciences Po, Master, 2011

University of Virginia, B.A., 2008

RELATED PRACTICE AREAS

- Class Actions & Mass Torts

- Enforcement
- Litigation
- Regulation
- Consumer Fraud
- Sports & Event Financing
- Financial Services
- Telephone Consumer Protection Act (TCPA)
- Antitrust Class Actions
- Sports & Entertainment Contract, Endorsement & Celebrity Representation Practice
- Anti-Doping Practice
- Sports & Event Venue Real Estate Infrastructure and Operation
- Naming Rights & Sponsorship Practice
- Sports & Entertainment M&A Practice
- Sports & Entertainment Litigation Practice
- Collegiate Sports Practice
- Shareholder Securities and Mergers & Acquisitions
- Sports & Entertainment Specialty Counseling Practice
- Entertainment Industry Practice
- Food, Ag & Nutrition (Class Actions)
- Employment Class & Collective Actions
- Sports (Class Actions)
- Data Privacy, Telecommunications & Collections
- Environmental and Toxic Tort Team
- Olympic & National Governing Body Practice
- Professional Sports Team Practice
- Insurance (Class Actions)
- Pharmaceutical & Medical Devices (Class Actions)
- Class Actions
- Business & Commercial Disputes
- Consumer Finance Disputes
- Sports & Entertainment
- Banking & Finance Disputes
- Litigation & Dispute Resolution

EXPERIENCE

CLASS ACTIONS

- Representing NCAA as National Coordinating Counsel for sports injury litigation in both putative class actions and individual lawsuits. Previously represented all NHL clubs in head injury MDL.
- Representing beverage carbonation provider in putative nationwide class action over price increases.
- Representing clients in various industries in putative class action lawsuits over collection of sales and use taxes for e-commerce sales.
- Representing insurer in putative multi-state class action over COVID-19 business interruption litigation.
- Representing REIT in putative securities fraud class action.
- Representing financial institution in putative nationwide class action over institutional practices for harvesting tax losses.
- Represented manufacturer of environmentally friendly products in putative nationwide class action over product labeling and efficacy.
- Represented food manufacturers in putative statewide class actions over “all natural” and “no preservatives” product labeling.
- Represented multiple financial institutions in various putative nationwide class actions challenging foreclosure practices and mortgage interest calculations.
- Represented healthcare records provider in multiple putative class actions over pricing and legality of fees.
- Represented pet food manufacturer in various M&A disputes and books & records action regarding pre-merger public disclosures.
- Represented university health system in wage-and-hour class action.
- Represented big-box retailer in putative class action alleging violation of Telephone Consumer Protection Act (TCPA).

BUSINESS LITIGATION

- Represented bank in shareholder dispute with hedge fund over dividends and separately defeated another hedge fund’s attempt to enjoin restructuring transaction.
- Represented large national bank in 90-plaintiff action arising out of Ponzi scheme.

- Represented university against consolidated consumer fraud lawsuits over efficacy of surgical procedures.
- Represented technology company in *qui tam* lawsuit under False Claims Act.
- Representing major telecommunications providers in business license tax disputes with various cities.
- Represented general contractor in dispute with owner over construction of pipe factory.
- Representing subcontractor in dispute with general contractor over construction of liquefaction project.
- Represented family trust in closely-held business dispute over, and sale of, commercial real estate.
- Representing broker-dealer and financial advisors in FINRA arbitration.
- Routinely advise owners, directors, and executives with mitigating risks of shareholder litigation or ownership disputes.

SPORTS

- Representing MLB club and MiLB affiliate in stadium dispute with landlord.
- Representing NHL club in lawsuit against sponsorship partner.
- Represented NHL club and owners in connection with various governance disputes in League arbitration.
- Advised NFL and MLS clubs' naming rights partners on litigation aspects of naming rights deals.
- Advised owner of sports agency with pre-litigation negotiation of sale of interests.

RESOURCES

PUBLICATIONS

- Federal Habeas Corpus Review Is Broken, ABA Litigation, Winter 2020.
- College Refund Suits Raise Complex Tuition Questions, Law360, May 19, 2020
- Festival Case May Be Preview of COVID-19 Consumer Suits, Law360, April 2, 2020

- Client Alert: "U.S. Supreme Court Holds That Arbitrators, Not Courts, Decide Arbitrability Under Contractual Delegations—Even When the Answer Is Obviously 'No,'" January 8, 2019
- Client Alert: "U.S. Supreme Court Limits Availability of Civil Remedies Against Debt Collectors," May 16, 2017
- Client Alert: "U.S. Supreme Court Holds That Congress May Not Create Constitutional Standing and Clarifies That Plaintiffs Must Suffer "Concrete" Injuries to Sue in Federal Court," May 19, 2016
- Client Alert: "U.S. Supreme Court Limits Ability of Class Action Defendants to 'Pick Off' Named Plaintiffs," January 21, 2016
- Client Alert: "Missouri Supreme Court Holds That Statutes of Limitations Are Not Tolloed by Putative Class Action Lawsuits Filed Outside of Missouri," June 25, 2014
- Client Alert: "U.S. Supreme Court Limits Scope of SLUSA's Preclusion of Securities Class Actions for Violations of State Law Where Fraudulent Scheme Did Not Directly Involve Plaintiffs' Purchase or Sale of 'Covered' Securities," March 7, 2014
- "Stabilizing the Role of Umbrella Clauses in Bilateral Investment Treaties: Intent, Reliance, and Internationalization," *Virginia Journal of International Law*, 2011

RELATED INSIGHTS

News

Sep 09, 2024

Partner Jonathan B. Potts Quoted in National Coverage of High-Profile Death Row Case

News

Aug 01, 2024

BCLP's Partnership with the Midwest Innocence Project Leads to Release of Christopher Dunn in Decades-Long Saga

News

Jul 03, 2024

Work on behalf of death row inmates honored with 2024 Exceptional Service Award from ABA

Awards

Aug 17, 2023

The Best Lawyers in America® 2024

News

Aug 09, 2023

Partner named 'Law360' Rising Star in Sports & Betting

News

May 10, 2023

Partners featured in '48 Hours' on wrongful conviction case

News

Feb 14, 2023

BCLP trial team wins exoneration of Missouri man after 29 years in prison for murder

News

Nov 28, 2022

BCLP represents NCAA in landmark CTE jury trial win

Awards

Sep 21, 2022

Partner honored for pro bono work by Foundation for Improvement of Justice