

Lewis S. Wiener, Partner

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Lewis Wiener, an experienced trial attorney with more than 25 years of trial and counseling experience, brings creativity and energy to his representation of corporate entities and individuals in state and federal court litigation throughout the United States. Lew heads Sutherland's Financial Services Litigation Team, is co-chair of the firm's TCPA defense practice, and is a member of the firm's executive committee. His extensive civil litigation and trial experience includes serving as class action defense counsel and as arbitration counsel, conducting large internal investigations, handling complex litigation matters, and defending entities in connection with investigations and enforcement actions brought by government agencies. Lew also represents clients in eminent domain/inverse condemnation, environmental and land-use litigation before state and federal trial and appellate courts.

A former trial lawyer with the U.S. Department of Justice, Lew draws on his experience representing executive branch agencies to represent clients in court and to advise clients on regulatory, compliance and enforcement matters at the federal and state level. While at the Department of Justice, Lew was twice recognized by the Attorney General for special achievement in the handling of significant litigation matters on behalf of the United States, and he was lead government counsel in the largest class action ever filed against the United States. Lew also serves as pro bono partner for Sutherland's Washington, D.C. office.

Lew holds prominent leadership positions in national and local organizations including serving as co-chair of the Washington Lawyers' Committee for Civil Rights and Urban Affairs, as president of the United States Court of Federal Claims Bar Association, and as a member of the Board of Trustees of the State University of New York at Albany. Lew also chairs the investment committee at Norwood School and is a member of the Norwood School Board of Trustees and the Board of Directors of Washington Hebrew Congregation.

Experience

Sutherland defeats class certification in California case alleging misconduct and unfair competition in consumer lending.

Related Practices / Industries

- Litigation
- Class Action Defense
- Financial Services Litigation
- Complex Business Litigation
- U.S. Court of Federal Claims
- Appellate
- White Collar Defense
- Environmental
- Natural Resources
- Construction
- Director & Officer Liability
- Insurance
- Consumer Financial Services
- Crisis Management
- Telephone Consumer Protection Act (TCPA)
- Cybersecurity & Privacy

Bar Admissions

- District of Columbia
- Maryland
- New York

Sutherland represents GenOn Mid-Atlantic in constitutional challenge to Montgomery County, Maryland carbon dioxide emissions tax assessment.

Sutherland brokers a precedent-setting settlement regarding the dredging practices of U.S. Army Corps of Engineers.

Awards and Rankings

Recipient, *U.S. Court of Federal Claims*, Madison / Lifetime Achievement Award (2014)

Selected for inclusion in *Washington, D.C., Super Lawyers®* (2012-2015)

Selected as a Washington, D.C. Local Litigation Star by *Benchmark Litigation* (2011-2015)

Recipient, *Washington Lawyers' Committee*, Outstanding Achievement Award in the area of disability rights (2007, 2011)

Recipient, *Golden Eagle Award* for sustained and exemplary service to the U.S. Court of Federal Claims (2004)

Professional Activities

President (2014), President-Elect (2013), Secretary (2012), Treasurer (2004-2011) and Past President (2002), U.S. Court of Federal Claims Bar Association

Judicially appointed member, U.S. Court of Federal Claims Advisory Council (appointed by then-Chief Judge Lawrence Baskir (2001-2004); reappointed by then-Chief Judge Edward Damich (2004-2009); reappointed by Chief Judge Emily Hewitt (2009-present)

Member, Board of Trustees/Board of Directors, State University of New York at Albany, The University at Albany Foundation, Inc. (2011-present)

Co-chair, Advisory Board, State University of New York at Albany, Rockefeller College (2004-2011)

Co-chair (2013-2015), Board of Directors, Washington D.C. Lawyers' Committee for Civil Rights and Urban Affairs (2003-present)

Member, Maryland Attorney General's Environmental Policy Advisory Board (2008-present)

Member, Board of Trustees, The Norwood School (Bethesda, Maryland)
(2011-present)

Member, Board of Directors, Washington D.C. Hebrew Congregation
(2012-present)

Articles

TCPA Issues Familiar and Unique To Health Care Providers (August 27, 2015)
Law360

The Art of the Opening Statement: Find your Inner Storyteller (July 1, 2015)
InsideCounsel

TCPA Litigation and Electric Utilities (June 20, 2015)
National Rural Electric Cooperative Association – Legal Reporting Service

Calling the High Court on TCPA and Sovereign Immunity (March 31, 2015)
Law360

REDIAL: 2014 TCPA YEAR IN REVIEW – ANALYSIS OF CRITICAL
ISSUES AND TRENDS (January 29, 2015)

Third-Party Liability Standards Stretched Under TCPA (November 17, 2014)
Law360

TCPA Risks Increase for the Financial Services Industry (November 12, 2014)
Law360

Dialing up Dollars: Record Settlements Lead to More TCPA Lawsuits
(October 6, 2014)
*Association of Corporate Counsel South Carolina Chapter - FOCUS...on
the South Carolina Chapter*

Insurers Face Increased Risk of TCPA Suits (September 10, 2014)
Law360

Capital One's Record Settlement May Spur More TCPA Suits (August 27, 2014)
Law360

High Court Opens Door To 5th Amendment Takings Cases (March 19, 2014)
Law360

Q&A with Sutherland's Lewis Wiener (November 24, 2010)
Law360

Litigation Management, American Lawyer Media (Book) (October 2010)

No Class Arbitration on Parties Who Are Silent on the Issue (June 2010)
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The CARD Act: The Good, the Bad and the Ugly (March 15, 2010)
Reprinted with permission from *Bank & Lender Liability*

Condemnation Clauses in Leases (November 2008)
Reprinted with Permission *Counsel to Counsel*

Kelo v. City of New London (November 2005)
Reprinted with permission from *Martindale-Hubbell*

Has the High Court Taken Away Private Property Rights? (August 12, 2005)
Reprinted with permission from *Washington Legal Foundation*

Insurance: Responding to Regulatory Subpoenas (May 2005)
Posted with permission from *Counsel to Counsel*

Presentations

Webcast: Insurance Litigation Trends to Watch in 2015 (February 10, 2015)

The Telephone Consumer Protection Act: For Whom the Ring Tones (November 12, 2014)
ACC- SC Chapter Annual Meeting

CFPB Year in Review (November 9-11, 2014)
Payday Loan Bar Association Annual Meeting

Alternative Fee Arrangements - To Pay or Not to Pay, That is the Question (October 24-26, 2014)
The Network of Trial Law Firms Litigation Management seminar

Webcast: For Whom the Ring Tones: TCPA Litigation and the Insurance Industry (October 14, 2014)

Mitigating Environmental Disaster and Preparing for Incident Response (September 29, 2014)
Environmental Compliance and Commitment Legal Summit – 2014

Banking and Insurance Issues (September 12, 2014)
The Network of Trial Law Firms Financial Services CLE SuperCourse

13th Annual Litigation Management in a New York Minute, 2014 Edition (August 8, 2014)
The Network of Trial Law Firms Litigation Management seminar

Bruce Springsteen on Expert Witness Testimony (April 26, 2014)
Network of Trial Law Firms: Litigation Management Tribulations and Trials

2014 Georgia ACC Value Challenge (April 22, 2014)

Legal Project Management (November 15, 2013)
Payday Loan Bar Association Annual Conference

Eminent Domain: New Topics & Crucial Updates (November 7, 2013)
CLE International: Eminent Domain

Eminent Domain: Impact of Political & Economic Forces (September 30, 2013)
CLE International: Eminent Domain

Ethical Issues in Class Action Settlements (November 15, 2012)
Court of Federal Claims Judicial Conference

Settlement Pitfalls (November 1, 2012)
Payday Loan Bar Association 2012 Annual Meeting

Ethics Roundtable Discussion (October 4, 2012)
CLE International: Class Actions - Plaintiff and Defense Perspectives

Unfair, Deceptive, or Abusive Acts or Practices (UDAAP) as enforced by the Consumer Financial Protection Bureau (CFPB) (October 3, 2012)
2012 Correspondent Bank Executive Management Seminar

Houston Eminent Domain Conference (June 7, 2012 - June 9, 2012)
CLE International

Cross Examination of Appraisers and Other Experts in Condemnation Cases (February 10, 2012)
CLE International 11th Annual SuperConference: Eminent Domain

Understanding and Protecting Privileges - From Soup to Nuts for Tax Attorneys (August 5, 2010)
Continuing Legal Education Presentation

Don't Prosecute the General Counsel! (October 19, 2009)
Association of Corporate Council (ACC) 2009 Annual Meeting

The New International Rules for Expedited Dispute Resolution Procedures (April 25, 2007 - April 28, 2007)
9th Annual American Bar Association Section of Dispute Resolution Spring Conference

The Federal Circuit Bar Association's 8th Annual Bench & Bar Conference (June 28 - July 1, 2006)

3rd Annual Eminent Domain National Conference (May 11-12, 2006)

Kelo vs. The City of New London Discussion (April 26, 2006)
Urban Land Institute New York District Council Program

Advanced Construction Law in Washington, D.C. (2002)
National Business Institute Seminar

Construction Payment Remedies in Washington, D.C. (2002)
National Business Institute Seminar

Education

- J.D., American University Washington College of Law, Managing Editor, *American University Journal of International Law and Policy*
- B.A., *cum laude*, State University of New York at Albany