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Brian Brooks

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Brian Brooks heads the firm's Washington, DC office and is a member of the firm's 12-member board of directors. His practice focuses on complex financial services litigation and regulatory matters, including class actions and state and federal enforcement actions. Brian represents banks, investment firms, insurance companies, and diversified financial services companies. A nationally recognized expert on subprime mortgage issues, he has testified, written, and lectured on issues relating to the financial crisis before federal government agencies, think tanks, and industry audiences.

Illustrative Professional Experience

- Defending four of the largest subprime mortgage lenders and servicers in state attorney general investigations and litigation, and in nationwide class actions
- Defending both mortgage originators and investors in fair lending investigations and litigation under the Equal Credit Opportunity Act and the Fair Housing Act
- Developing innovative preemption defenses for financial services companies, with precedent-setting results such as *In re Ocwen Loan Servicing Mortgage Servicing Litigation*, 491 F.3d 638 (7th Cir. 2007)
- Leading the negotiations that resulted in one of the largest classes ever certified for settlement purposes (*In re Trans Union Corp. Privacy Litigation*)
- Defending class actions and state attorney general investigations involving affinity credit card programs
- Representing the American Bankers Association, the U.S. Chamber of Commerce, and other amici in the precedent-setting case *Washington Mutual Bank v. Superior Court*, which established the standards for nationwide banking class actions in California

Brian has represented financial services firms and other clients before state and federal courts around the nation, as well as before regulatory agencies including the Office of the Comptroller of the Currency, the Federal Trade Commission, and others. In March 2009, he was the only private attorney invited to testify before the U.S. Commission on Civil Rights as part of its review of proposed subprime mortgage regulations and minority homeownership issues. He has served as a faculty member of the Practising Law Institute's Consumer Financial Services Litigation Institute and is a frequent speaker at financial services litigation events sponsored by the Mortgage Bankers Association and the American Conference Institute, among others. He has been invited to address such leading legal and public policy organizations as the American Enterprise Institute, the American Health Lawyers Association, the Republican Attorneys General Association, the National Association of Mutual Insurance Companies, the National Council of State Housing Agencies, and others. He has been quoted in such publications as the *New York Times*, the *Wall Street Journal*, *U.S. Banker*, and *Marketwatch*, and his writings have appeared in *American Banker*, the *National Law Journal*, *On Wall Street*, and elsewhere.

Professional Activities

Law Clerk, Honorable Danny J. Boggs, U.S. Court of Appeals, Sixth Circuit

Member, The American Law Institute

Member, American Bar Association Consumer Financial Services Committee

Author, "Bankruptcy Bill Poses Threat to Credit," *American Banker* (Feb. 13, 2009); "The Murky Politics of Removal Jurisdiction," 5 *Engage* 90 (2004); "Claims Shaving": An Emerging Threat to Rights of Class Action Plaintiffs," *Washington Legal Foundation Legal Backgrounder*, (April 25, 2003); "Restoring the Rule of Law in Class Actions," 4 *Engage* 125, (2003); "Fallout From Another New California Law," *American Banker*, (August 29, 2003); "Publishing Unpublished Opinions," 5 *Green Bag* 2d 255, (2002)

Co-Author, "Give History Some Credit," *National Law Journal* (September 15, 2008) (with Elizabeth McKeen); "More Credit, Less Poverty," *National Law Journal*, (August 20, 2007) (with Schan Duff); "Grable's Quiet Revolution: The Revival of Substantial Federal Question Jurisdiction," 6 *Engage* 116 (2005) (with Sarah Goldfrank); "Federalism in Multidistrict Litigation: Developments Under the All Writs Act," 7 *Comm. & Bus. Litig.* 1 (2005); "Class-Action Threat Reduced for Financial Firms in California," *American Banker*, (February 23, 2001) (with Bill Satchell); "Unpublished Opinions & The Nature of Precedent," 4 *Green Bag* 2d 17, (2000) (with Danny J. Boggs)

Chair, Federalist Society Class Action Subcommittee

professional focus

Class Actions, Mass Torts and Aggregated Litigation
Insurance and Reinsurance
United States

education

University of Chicago, J.D., 1994:
with honors; Member, *The University of Chicago Law Review*

Harvard University, A.B., 1991: *cum laude*

admitted

District of Columbia; California