

Q&A With Sutherland's Lewis Wiener

Law360, New York (November 24, 2010) -- Lewis S. Wiener is a partner in the Washington office of Sutherland Asbill & Brennan LLP and chairman of the firm's financial services litigation team. Wiener served as a trial attorney with the U.S. Department of Justice in the Clinton administration. His practice focuses on class action defense and complex litigation involving consumer finance and publicly traded companies. He also handles a wide variety of commercial and civil matters. Wiener is a past president of the Court of Federal Claims Bar Association, was awarded the Court of Federal Claims Golden Eagle Award, received the State University of New York at Albany Distinguished Alumni Award and was named Montgomery County Baseball Association Coach of the Year in 2009 and 2010.

Q: What is the most challenging case you've worked on, and why?

A: I was asked to represent, pro bono, a group of individuals who are deaf in a suit against a Maryland hospital for violations of the Americans with Disabilities Act based on the hospital's failure to provide sign language interpreters. The case took me outside my comfort zone personally and professionally. I had to learn a substantive practice area with which I had little previous experience. I also had to learn a new way of communicating thoughts, ideas and emotions. Working with clients who are deaf reinforced the best advice I ever received: learn to speak your client's language; don't expect them to speak yours.

Q: What accomplishment as an attorney are you most proud of?

A: Successfully representing a client and a few months later being hired by the opposing side. The cases I've handled have taken me all over the country and the world. I travel on average about 150,000 miles each year on business and have visited every state in the union at least three times, but I've never been out of town on one of my children's (ages 12, 10 and 8) or my wife's birthdays. Working with the same legal assistant for 10 years, and she's not yet killed me.

Q: What aspects of law in your practice area are in need of reform, and why?

A: Statutes like the Telephone Consumer Protection Act are antiquated and have not been amended to reflect changes in technology. Damages caps in such statutes are necessary to reflect the realities of how business is transacted in today's world.

We also need to take a serious look at fee shifting. Companies have targets on their backs in the form of dollar signs. There's little disincentive to dressing up a bunch of mud in the form of a complaint, throwing it against the wall and hoping some of it sticks. If the mud throwers had to consider the possibility they might have to eat some of that mud, a little less might get tossed around.

Q: Where do you see the next wave of cases in your practice area coming from?

A: Dodd-Frank is a full-employment act for consumer finance and banking attorneys.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: Tim McEvoy (Cameron/McEvoy PLLC, Fairfax, Va.). He is a straight shooter, a lawyer's lawyer. We opposed each other in a case. In response to discovery, rather than dancing around and using a lot of words but not saying anything, he laid out his case, warts and all. Paved the way for productive, constructive communication and, ultimately, settlement. I'd hire him if I needed a lawyer.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: When writing e-mail, ask yourself whether your mother (or wife) would approve. Scary as it may be, occasionally take yourself outside your comfort zone. Don't be afraid to be wrong.