HUSCH BLACKWELL



Lisa M. Lawless

SENIOR COUNSEL

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OVERVIEW

Lisa is one of the leaders of Wisconsin's appellate bar.

For the past 15 years, Lisa's practice has focused on defending consumer litigation in federal and state courts, both individual consumer claims and putative class claims. Lisa has handled cases from beginning to end, including procedural/jurisdiction motions, motions to compel arbitration, class certification motions and summary judgment motions, and has engaged in substantial discovery including taking and defending numerous depositions. Lisa has substantive trial experience, including bench trials and, more recently, prevailing in a jury trial in a commercial lease action where millions of dollars were claimed, obtaining a total defense verdict of no liability. Lisa has prepared cases pre-trial in the federal courts, and negotiated settlements prior to trial.

Lisa also has substantial appellate experience in state and federal appellate courts, focusing a substantial portion of her practice handling appeals, including appearing in the Wisconsin Supreme Court four times in the last nine years. Lisa has handled a significant number of appeals in consumer cases over the last several years, under both the Wisconsin state consumer laws and the federal consumer laws.

Lisa draws upon her substantial appellate experience to handle matters at the trial court level surgically and strategically, with the goal being a victory that will be sustained on appeal, and preparing the case in the trial level to take advantage of any errors on appeal to obtain reversal, if necessary.

Industry

Financial Services & Capital Markets

Services

Appellate

Commercial Litigation

Consumer Financial Services

Litigation & Alternative Dispute Resolution

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Experience

- Successfully argued before Wisconsin Supreme Court a case limiting creditors' liability for failure to comply with Wisconsin Consumer Act (WCA) procedural requirements. Borrower brought counterclaim against our creditor client asserting violation of the notice right to cure requirement of WCA, in response to a suit for loan payment default. In *Security Finance v. Kirsch*, Wisconsin Supreme Court affirmed dismissal of debtor's counterclaim, concluding that filing suit without proper notice of cure is merely grounds to dismiss the suit without prejudice and holding that such procedural "miscue" does not give rise to liability by the creditor under the WCA's debt collection statute. The creditor had the right to sue on the debt and filing suit without proper notice of cure is not harassing collection conduct.
- Handled over 70 appeals in state and federal courts, including arguing before the Wisconsin Supreme Court three times since 2010. Previously served as chair of the Appellate Team of Whyte Hirschboeck Dudek. Her appellate experience includes handling matters for consumer financial services companies in state and federal courts in defense of consumer litigation arising under state and federal statutes and common law as well as litigation arising from contested foreclosure matters.
- Substantially experienced handling litigation on behalf of financial services clients in litigation filed by consumers under the Wisconsin Consumer Act, the Fair Credit Reporting Act, the Fair Debt Collection Practices Act, the Truth in Lending Act, the Real Estate Settlement Procedures Act, and the Home Ownership and Equity Protection Act, and claims under state common law including contract/promissory estoppel claims, good faith and fair dealing claims, fraud claims, and false advertising claims under statute and common law.
- Recent completed FCRA representations include handling a AAA arbitration on behalf of a creditor defending a claim alleging failure to reasonably investigate claim that debt was paid in full, obtaining finding of no liability under FCRA by arbitrator; defending a FCRA claim in federal court alleging failure to reasonably investigate in response to a consumer’s dispute, resolving case in settlement after filing a motion for summary judgment.

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Experience

- Substantially experienced in handling litigation on behalf of mortgage lenders and servicers concerning debts in default and foreclosure, including disputed foreclosures. Recent results include obtaining a judgment of foreclosure and a finding of zero damages under a liability claim for breach of good faith and fair dealing for delayed provision of pay-off statement. Also prevailed in consumer's appeal of that ruling.
- Presented argument in numerous motion hearings and made many other appearances before state and federal courts. Substantially experienced briefing procedural and substantive motions in state and federal court as well as disputed discovery issues.
- Handled numerous mediations and settlement conferences before private mediators and court officials.
- Briefed arbitration issues before trial courts and courts of appeals including motions to compel arbitration.
- Handled cases in state and federal courts throughout the United States involving a wide variety of subjects, ranging in size from large-scale complex litigation to medium and smaller cases. Beyond consumer financial services litigation, experienced handling commercial litigation and intellectual property litigation including patent infringement, trademark infringement, copyright, and licensing disputes. Experienced handling defamation and deceptive practices/false advertising claims for publishers and merchants.
- Secured two victories for loan servicing company before the Wisconsin Court of Appeals in two appeals in foreclosure actions contested by borrowers in the trial court and on appeal, obtaining affirmance of judgments awarding foreclosure and rejected the borrowers' counterclaims and defenses.
- Secured a victory on appeal on behalf of a lender affirming a dismissal of a consumer's claims on summary judgment in a case challenging the lender's repossession and service of the required notices prior to repossession and appealing an award of sanctions in favor of our client against the opposing lawyer for pursuing a frivolous claim.

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Experience

- Filed an amicus brief on behalf of the American Financial Services Association, the primary trade association for the consumer credit industry, in support of a Fifth Circuit petition to stop the Federal Trade Commission's Combating Auto Retail Scams (CARS) Rule from taking effect. The Fifth Circuit vacated the ruling.
- Filed an amicus brief on behalf of the Service Contract Industry Council, American Property Casualty Insurance Association, and Consumer Credit Industry Association in support of their challenge of the Federal Trade Commission's Negative Option Rule. The U.S. Court of Appeals for the Eighth Circuit vacated the rule, holding that the FTC failed to conduct a preliminary regulatory analysis in violation of Section 22 of the FTC Act.

Recognition

- Martindale-Hubbell AV Preeminent
- *The Best Lawyers in America*®, Commercial Litigation, 2027
- *BizTimes Milwaukee,* Notable Women in Law, 2022
- Wisconsin Access to Justice Commission, Wisconsin Pro Bono Honor Society, 2020
- *Wisconsin Law Journal*, Leader in the Law, 2019
- Wisconsin Super Lawyers, 2010-2013
- State Bar of Wisconsin, President Award, 2007, 2015
- Graduated first in class from Indiana University School of Law, 1992

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Education

- J.D., Indiana University Maurer School of Law
  - *summa cum laude*
  - Order of the Coif
  - First in Class, West Publishing Company Awards
  - *Indiana Law Journal*, Managing Editor,
- B.A., University of Virginia
  - History and American Studies

Admissions

- U.S. Supreme Court
- U.S. District Court, Eastern District of Wisconsin
- Wisconsin
- Georgia
- U.S. District Court, Western District of Wisconsin
- U.S. District Court, Northern District of Georgia
- California
- U.S. District Court, Northern District of California
- U.S. District Court, Central District of California
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Federal Circuit

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Community Leadership

- Facilities Advisory Committee, Wauwatosa School Board, Co-Chair, 2017-present
- Wild Space Dance Company Board of Directors, 2007-present, 1995-1998, Secretary, 1997-1998
- Tosa Kickers Soccer Club, Board of Directors, 2016-present
- Nicolet High School Foundation Board, 2004-2008
- Women's Soccer Club, 2008-present



2025 Pro Bono Contributor

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