



**MICHAEL Y. KIEVAL**  
*Member*

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Michael represents companies in the financial services and mortgage industries nationwide in state and federal litigation and government investigations, including CFPB examinations and enforcement actions. In addition to providing regulatory compliance advice to clients large and small, Michael's practice includes general business and commercial litigation, including contract and insurance disputes, and defending consumer class actions, suits under state consumer protection statutes, and claims under other federal statutes, including RESPA, TILA, FCRA, the FDCPA, and the False Claims Act.

Michael regularly speaks to industry audiences about the CFPB, regulatory compliance, litigation trends, and cybersecurity. He previously served as law clerk to the Honorable James Lawrence King, Senior United States District Judge in the Southern District of Florida (Miami).

### **PRACTICE AREAS**

- Investigation and Enforcement
- Litigation
  - Business Matters and Disputes
  - Class Action Defense
  - Individual Actions
- Regulatory Compliance
  - Federal Regulatory Compliance

### **EDUCATION**

- University of Michigan Law School, J.D., *cum laude*, 2005
- Washington University, A.B., *magna cum laude*, 2002

### **ADMISSIONS**

- District of Columbia
- Maryland
- Texas
- Virginia
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Fifth Circuit

- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of Columbia
- U.S. District Court for the District of Maryland
- U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of Texas
- U.S. District Courts for the Eastern and Western Districts of Virginia
- U.S. Bankruptcy Courts for the Eastern and Western Districts of Virginia

## **REPRESENTATIVE MATTERS**

- Represent bank and non-bank lenders and servicers in connection with state and federal regulatory examinations, investigations, and enforcement actions
- Represent lenders and servicers in proceedings before U.S. Department of Housing and Urban Development (HUD)
- Defend numerous putative class actions under RESPA Section 8
- Represent lenders in qui tam suits under the False Claims Act
- Represent lenders in connection with CFPB enforcement actions
- Advise lenders on creating and improving their CMS (compliance management systems) and cybersecurity programs
- Represent clients in connection with data breaches
- Represent clients in litigation arising out of reverse mortgage loans
- Defend numerous affirmative claims brought by borrowers facing foreclosure
- Represent lenders and brokers in connection with repurchase/indemnification demands and litigation

## **PUBLICATIONS**

- Co-author, *Consumer Protection and Mortgage Regulation Under Dodd-Frank* (Thomson Reuters 2018)
- Chapter contributor, *Real Estate and Mortgage Banking: A New Era of Regulatory Reform* (Thomson Reuters 2017-2018)
- Co-author, *Implied False Certification Liability under the False Claims Act after Escobar*, *Journal of Taxation and Regulation of Financial Institutions* (Fall 2016)
- Co-author, *High Court's FCA Decision Will Reach Far*, *Banking Law 360* (March 4, 2016)
- Co-author, *Lenity and Deference on A Collision Course*, *Banking Law 360* (February 26, 2015)
- Co-author, *Federal Court Rejects HUD's Sham ABA Policy*, *Mortgage Compliance Magazine* (March 2014)
- Co-author, *International Legal Developments in Review: 2007, Anti-Corruption*, 42:2 *The International Lawyer* 709 (Summer 2008)
- Note, *Be Reasonable! Thoughts of the Effectiveness of State Criticism in Enforcing International Law*, 26 *Mich. J. Int'l L.* 869 (2005)

## **RECOGNITION**

- Rising Star, Washington, DC, *Super Lawyers Magazine*, 2014-19 (*Super Lawyers* recognition is a Thomson Reuters service)

## **AFFILIATIONS**

- American Bar Association, Consumer Financial Services Committee
- Bar Association of Montgomery County, Maryland