

# David A. Reiser

Counsel

David A. Reiser focuses his practice on appellate litigation.

He has briefed cases in the U.S. Supreme Court and briefed or argued cases in numerous federal courts of appeals and the District of Columbia Court of Appeals. David is also regularly called upon to assist other lawyers in preparing for oral arguments in the Supreme Court and appellate courts.

David devotes a substantial portion of his time to pro bono matters. In 2021, he was honored with the D.C. Bar's William J. Brennan Jr. Award for his commitment and initiative in pursuing equal justice for all Americans. The American Bar Association also recognized him with its Pro Bono Publico award in 2010, and the District of Columbia Legal Aid Society named him a Servant of Justice in 2006.

David provides training to lawyers and legal assistance to low-income families through the Barbara B. McDowell Appellate Advocacy Project of the Legal Aid Society, in addition to drafting amicus briefs and assisting lawyers in many other pro bono cases.

David has taught appellate litigation at George Washington University Law School as a visiting professor. His recent appellate work spans a broad range of issues from federal preemption, to Native American sovereignty, to housing regulation, to Article III standing.

Before coming to Zuckerman Spaeder, David served in the Clinton administration at the U.S. Department of Housing and Urban Development, and as general counsel and special litigation counsel for the District of Columbia Public Defender Service, where he briefed and argued appeals, tried numerous homicides and other serious felony cases, litigated class actions and other complex matters, and advised the agency on ethics, contractual, and personnel issues. He graduated from Yale Law School and Yale College, *summa cum laude* and was elected to Phi Beta Kappa.

## Government service

- Special Assistant to the General Counsel
  - U.S. Department of Housing and Urban Development
- Public Defender Service



## Washington, DC

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## Practice focus

- White Collar Defense
- Plaintiffs and Class Actions
- Pro Bono

## Education

- Yale Law School, J.D., 1981
- Yale University, B.A.,  
*summa cum laude*, 1977
  - Phi Beta Kappa, with  
distinction in History

## Languages



ZUCKERMAN  
SPAEDER

- General Counsel and Special Litigation Counsel
- District of Columbia

### **Professional leadership**

- Visiting Professor of Clinical Law, George Washington University Law Center, 1995-1996
- Visiting Assistant Professor of Law, University of Cincinnati Law School, 1984-1985
- Member, American Bar Association

### **Recognitions**

- The Best Lawyers in America, Native American Law
- DC Bar, William J. Brennan Jr. Pro Bono Service Award
- DC Courts, Capital Pro Bono Honor Roll, 2022
- American Bar Association, Pro Bono Publico Award, 2010
- Legal Aid Society of the District of Columbia, Servant of Justice Award, 2006

### **Bar admissions**

- District of Columbia
- Ohio (inactive)
- Minnesota (inactive)
- Connecticut (retired)

### **Court admissions**

- U.S. Supreme Court
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, District of Columbia

- U.S. Court of Federal Claims

## **Clerkships**

- Hon. Walter K. Stapleton, U.S. District Court, District of Delaware

## **Representative matters**

- Represented a class of consumers seeking disgorgement of title insurance fees for violations of the anti-kickback provisions of the Real Estate Settlement Procedures Act (RESPA) in successfully opposing rehearing en banc in the U.S. Court of Appeals for the Ninth Circuit and in the U.S. Supreme Court against the contention that the consumers lacked Article III standing. The Supreme Court granted review but dismissed the petition as improvidently granted after briefing and argument.
- Represented a Native American tribe in winning an injunction against foreclosure for non-payment of property taxes and affirmance of the injunction in the U.S. Court of Appeals for the Second Circuit. The U.S. Supreme Court granted review and remanded the case back to the lower court following the tribe's waiver of sovereign immunity from foreclosure. On remand, the U.S. Court of Appeals for the Second Circuit vacated the injunction against foreclosure, confirmed the tribe's reservation, and held that the tribe was not liable for penalties and interest on taxes accruing before a 2005 Supreme Court decision. *Oneida Indian Nation v. Madison County*
- Represented a Native American tribe on review of the U.S. Court of Appeals for the Second Circuit's decision upholding an injunction against state taxation of land the tribe reacquired after it had been alienated in violation of federal law. *City of Sherrill v. Oneida Indian Nation*
- Represented distinguished antitrust scholars as amici curiae in a brief urging affirmance of the United States Court of Appeals for the Second Circuit's holding that an arbitration agreement could not be enforced so as to nullify the right to sue under the antitrust laws. *Italian Colors v. American Express Co.*
- Represented the Legal Aid Society and other organizations as amici curiae urging affirmance of the United States Court of Appeals for the Ninth Circuit's holding that an unaccepted offer of judgment does not moot a claim. *Campbell-Ewald Co. v. Gomez.*
- Represented members of Congress as amici curiae in a brief urging reversal of a U.S. Court of Appeals for the



Second Circuit decision holding that federal banking regulations prevented New York Attorney General Andrew Cuomo from investigating allegations of predatory and discriminatory lending. The U.S. Supreme Court reversed. *Cuomo v. Clearing House, LLC*

- Represented the United South and Eastern Tribes (USET) as amicus curiae supporting the tribal respondent in a case involving state authority to search tribal offices on tribal land. *Inyo County v. Paiute-Shoshone Indians*
- Represented the National Association of Criminal Defense Lawyers (NACDL) and other groups as amicus curiae supporting reversal of a decision denying habeas corpus relief based on ineffective assistance of counsel. The U.S. Supreme Court reversed. *Wiggins v. Corcoran*
- Represent the Legal Aid Society as amicus curiae urging the en banc District of Columbia Court of Appeals to rule that changes in the permanency goal of a neglect case from family reunification to adoption are appealable. *In re Ta. L.*
- Represented the Legal Aid Society as amicus curiae urging reversal of an order compelling arbitration of an auto loan dispute on grounds of unconscionability. The District of Columbia Court of Appeals reversed. *Keeton v. Wells Fargo*

