

Brian I. Hays

Partner

Chicago

brian.hays@troutman.com

D 312.443.1707



Brian's vast experience handling high-stakes class actions, particularly under the TCPA, and his leadership in national defense steering committees make him a go-to attorney for clients facing complex litigation and multijurisdictional challenges.

OVERVIEW

Brian focuses on defending clients in high-stakes class action litigation, representing insurance companies, financial institutions, and national corporations. His practice encompasses claims under federal and state antitrust laws, RICO, the Telephone Consumer Protection Act (TCPA), breach of contracts/insurance policies, and other consumer protection statutes. Brian has extensive experience in both state and federal courts, including bench and jury trials, and regularly appears in courts nationwide.

Brian stays abreast of the latest TCPA developments, representing some of the nation's largest companies in class action litigation and helping them develop robust TCPA compliance programs. He also defends clients in consumer class actions involving breach of contract, fraud, and various consumer protection statutes.

Brian's antitrust and competition practice includes defending civil antitrust cases and advising on merger analyses and investigations, particularly in the insurance industry. He also represents companies in intellectual property and trade secrets matters, helping them to enforce noncompete and nonsolicitation clauses to protect proprietary business information.

REPRESENTATIVE MATTERS

- Represented direct marketers facing class action claims under the TCPA.
- Advised clients on developing robust TCPA compliance programs for direct marketing and independent agents.
- Defends insurance companies against class action claims alleging improper payment reductions through "silent PPOs."
- Acted as antitrust counsel for a health insurer, securing regulatory approval from more than a dozen states for an \$8.7 billion acquisition, facilitating a major industry consolidation.
- Served as liaison counsel for a joint defense group in a putative class action involving more than 100 defendants, addressing antitrust and RICO claims, and achieving a coordinated defense strategy.
- Represented insurance companies and financial institutions in enforcing noncompete and non-solicitation

agreements nationwide.

- Enforced consent decrees prohibiting political discrimination in employment for various government entities.

AWARDS

- *Daily Journal*, Top Verdicts (2023)
- *The Deal*, Deal of the Year (2019)
- Independent Voters of Illinois – Independent Precinct Organization, Legal Eagle Award (2007 and 2021)

TOP AREAS OF FOCUS

- Antitrust
- Class Action
- Insurance + Reinsurance
- Insurance Commercial Litigation
- Litigation + Trial

ALL AREAS OF FOCUS

- Antitrust
- Class Action
- Data + Privacy
- Insurance + Reinsurance
- Insurance Commercial Litigation
- Litigation + Trial
- Privacy + Cyber
- Tariff + Trade Task Force

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Former member, Teach For America
- Founding board member and president, Namaste Charter School

EDUCATION AND CERTIFICATIONS

EDUCATION

- Northwestern University Pritzker School of Law, J.D., 1998, associate note and comment editor, *Law Review*
- Haverford College, B.A., 1992

BAR ADMISSIONS

- Illinois

COURT ADMISSIONS

- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, Northern District of Illinois
- U.S. District Court, District of Nebraska
- U.S. District Court, District of Colorado
- State Courts, Illinois

SPEAKING ENGAGEMENTS

- Speaker, Fourth Annual Warranty & Service Contract Innovations for Vehicle, Home, Smart Products & Consumer Goods, March 27, 2025.
- Speaker, “TCPA 1:1 Consent Rules and New Developments in Artificial Intelligence Regulation,” 2024 LIDMA Meeting, September 30, 2024.
- Speaker, “Implications of Proposed FCC Guidelines on Text Messages and Lead Generation,” 2023 Life Insurance Counsel Final Expense Workshop, June 8, 2023.
- Speaker, “Telephone Consumer Protection Act Primer and Update,” Consumer Credit Industry Associations, April 14, 2020.

PUBLICATIONS

- Co-author, “Reading the Tea Leaves: Text Messages May Not Be TCPA Calls in the Seventh Circuit,” *Troutman Pepper Locke*, May 22, 2026.
- Co-author, “Post-McLaughlin TCPA Chaos Begins With Contradictory Rulings on Text Messages,” *Troutman Pepper Locke*, July 30, 2025.
- Co-author, “Why Does the TCPA Equal Chaos? The US Supreme Court Opens FCC Orders to New Challenges,” *Troutman Pepper Locke*, July 1, 2025.
- Co-author, “Eleventh Circuit Re-Opens TCPA “Lead Generator Loophole” and Signals Further Erosion of Judicial Deference to Administrative Rules,” *Troutman Pepper Locke*, February 6, 2025.
- Co-author, “New Year, New One-To-One TCPA Consent Requirements for Telemarketers,” *Locke Lord*, November 2024.
- Co-author, “FCC Cracks Down on AI-Generated Telephone Calls Under TCPA,” *Locke Lord QuickStudy*, February 9, 2024.
- Co-author, “New Illinois Genetic Information Privacy Act Class Actions Against Life Insurers Bark up the Wrong Family Tree,” *Employee Benefit Plan Review*, February 2024.
- Co-author, “New FCC Rules for Lead Generation Under the TCPA,” *Locke Lord QuickStudy*, January 3, 2024.
- Co-author, “New Illinois GIPA Class Actions Against Life Insurers Bark up the Wrong Family Tree,” *Locke Lord QuickStudy*, November 20, 2023.
- Co-author, “Are You Ready for the Biometric Tsunami? The New Wave of Biometric Statutes,” *Pratt’s Privacy & Cybersecurity Law Report*, October 2022.
- Co-author, “Are You Ready for the BIPA Tsunami? The New Wave of Biometric Statutes,” *Locke Lord*, July 2022.
- Co-author, “Check Your Phone: States Continue to Enact Mini-TCPAs,” *Locke Lord*, Spring 2022.
- Co-author, “Supreme Court Adopts Narrow Definition of TCPA Automatic Telephone Dialing System,” *Locke Lord QuickStudy*, April 1, 2021.
- Co-author, “Eliminating McCarran-Ferguson Immunity for Health Insurers – Higher Prices and Compliance Burdens,” *Locke Lord QuickStudy*, February 15, 2021.
- Co-author, “Impact of U.S. Supreme Court’s Ruling in Spokeo,” *Locke Lord QuickStudy*, October 9, 2020.

- Co-author, “Eleventh Circuit Reaches Back 135 Years to Reject Incentive Awards for Lead Plaintiffs in Class Actions,” Locke Lord QuickStudy, September 21, 2020.
- Co-author, “Where Statutory Privacy Claims Stand After Spokeo: Shaky Ground or Clear Path for Standing?” Locke Lord QuickStudy, June 10, 2020.
- Co-author, “Eleventh Circuit Holds that TCPA Consent Cannot be Revoked when Provided as Consideration in a Binding Contract,” Locke Lord QuickStudy, May 5, 2020.
- Co-author, “Second Circuit Adds to the TCPA Chaos,” Locke Lord QuickStudy, April 24, 2020.