

## Matthew J. Berns

Counsel

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### OVERVIEW

Drawing on his experience in senior leadership roles in the New Jersey Attorney General's and Governor's Offices and as a trial attorney for the U.S. Department of Justice, Matt provides an insider's perspective when guiding clients through complex government investigations, litigation, and other actions.

As chief counsel to the New Jersey attorney general, Matt oversaw the Divisions of Law, Consumer Affairs, and Civil Rights and served as the attorney general's most senior advisor on non-criminal matters. He oversaw civil litigation and investigations, including affirmative civil enforcement matters in the areas of antitrust, consumer protection, data privacy and cybersecurity, environmental law, false claims, professional licensure, securities fraud, and worker protections.

As deputy chief counsel to the New Jersey governor, Matt oversaw the office's litigation, rulemaking, executive order, clemency, and oversight functions. He also advised the governor on pending legislation.

During his time with the U.S. Department of Justice, Matt defended the federal government in litigation challenging the constitutionality of statutes and the legality of agency rules and policies. Among other matters, he handled litigation challenging the constitutionality of the Consumer Financial Protection Bureau and some of the bureau's earliest regulations, as well as numerous lawsuits involving the Medicaid and Medicare programs.

Before entering public service, Matt worked for another major law firm, where he represented clients in state and federal litigation, investigations, administrative proceedings, and appeals. As part of his diverse practice, he frequently represented clients challenging federal agency action under the Administrative Procedure Act.

After a decade of public service in federal and state government, Matt remains involved in the community and maintains an active pro bono practice. He currently serves as a public member of the New Jersey Innovation Authority, a first-of-its-kind agency tasked with using data, artificial intelligence, and other technologies to make government more effective and efficient.

### REPRESENTATIVE MATTERS

#### State Attorneys General Investigations and Litigation

- Representing a financial services company in a multistate attorneys general investigation.

- Representing a financial services company in litigation against a state attorney general related to consumer protection matter.
- Representing a health care company in a state attorney general investigation involving alleged UDAP violations.
- Representing a medical device company in an inquiry by the Florida Attorney General's Office concerning foreign ownership.
- Representing companies in data privacy investigations by state attorneys general.
- Represented a national bank in state attorney general litigation.

### **Other Government Investigations and Litigation**

- Represented a multinational company in a federal criminal antitrust investigation.
- Represented a municipal government in a federal civil rights lawsuit.
- Advise clients responding to regulatory inquiries from banking regulators.

### **Affirmative Litigation Against the Government**

- Represented pharmaceutical companies in litigation against federal agencies concerning statutory exclusivity periods and patent term adjustments.
- Represented a state health care agency in obtaining a \$75 million judgment against the U.S. Department of Health and Human Services for unjust enrichment.
- Represented a trade association and community banks in challenging part of the Volcker Rule.
- Represented a company in cross-appeals before the Federal Circuit from an *inter partes* review decision of the Patent Trial and Appeal Board.
- Represented clients in administrative litigation before the Departmental Appeals Board of the U.S. Department of Health and Human Services.

### **Regulatory Advice and Advocacy**

- Represented trade associations and companies submitting comments on proposed rules and draft guidance from various federal agencies.
- Representing a client before a federal agency concerning the client's eligibility for federal funding.

### **Other Litigation**

- Represented clients in class actions and putative class actions.
- Represented a national bank in litigation under California's Private Attorneys General Act.
- Represented a state health care agency in a federal appeal saving the client over \$100 million in payments to providers.
- Represented a college athletic association in litigation with member schools.

### **Pro Bono**

- Advising the Association of Criminal Defense Lawyers of New Jersey in connection with litigation over the leadership of the U.S. Attorney's Office for the District of New Jersey.

## **AWARDS**

- *Legal 500 United States: Government: State Attorneys General (2026)*

## TOP AREAS OF FOCUS

- Enforcement Actions + Investigations
- Government + Regulatory Litigation
- Regulatory Investigations, Strategy + Enforcement
- State Attorneys General

## ALL AREAS OF FOCUS

- Consumer Financial Services
- Consumer Products
- Enforcement Actions + Investigations
- Financial Services
- Government + Regulatory Litigation
- Health Care + Life Sciences
- Regulatory Investigations, Strategy + Enforcement
- State Attorneys General

## PROFESSIONAL EXPERIENCE

- Deputy chief counsel, Office of New Jersey Governor Phil Murphy, November 2022-October 2025
- Chief counsel to the attorney general, New Jersey Office of the Attorney General, July 2021-November 2022; senior counsel to the attorney general, July 2020-July 2021; counsel to the attorney general, May 2018-July 2020; special assistant to the attorney general, February 2018-May 2018
- Trial attorney, U.S. Department of Justice, Civil Division, Federal Programs Branch, 2015-2018
- Intern, Justice Virginia Long, Supreme Court of New Jersey, 2007

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- Georgetown University Law Center, J.D., *magna cum laude*, 2009, editor-in-chief, *Georgetown Law Journal*
- University of Pennsylvania, B.A., *summa cum laude*, 2006

### BAR ADMISSIONS

- District of Columbia
- New Jersey
- Pennsylvania

### COURT ADMISSIONS

- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Third Circuit

- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of Texas

## CLERKSHIPS

- Hon. Thomas B. Griffith, U.S. Court of Appeals, District of Columbia Circuit, 2009-2010

## SPEAKING ENGAGEMENTS

- Speaker, "Navigating State AG and Regulatory Investigations Involving Online Lending," 2026 OLA Legal Issues Conference, February 24, 2026.

## PUBLICATIONS

- Co-author, "Pennsylvania Targets AI Chatbot for the Unauthorized Practice of Medicine," *Troutman Pepper Locke*, May 7, 2026.
- Podcast, "AI State Regulatory Frontiers: Inside the New Wave of State AI Laws," *Regulatory Oversight* Podcast, May 5, 2026.
- Co-author, "Third Circuit Ruling Highlights Unique Dynamics for Cannabis-Related Contract Disputes," *Regulatory Oversight*, February 17, 2026.
- Co-author, "After FDA's Policy Shift on Artificial Colors, State Enforcement and Private Litigation Risks Linger," *Regulatory Oversight*, February 16, 2026.
- Podcast, "New Jersey's Big Bet on Disparate Impact: What the AG's New Rules Mean for Lenders and AI," *The Consumer Finance Podcast* and *Regulatory Oversight* Podcast, January 29, 2026.
- Co-author, "Colorado AG Fines Cannabis Company for Violating Prior Settlement," *Regulatory Oversight*, January 21, 2026.
- Co-author, "Justices' Separation-Of-Powers Revamp May Hit States Next," *Law360*, January 6, 2026.

## MEDIA COMMENTARY

- Mentioned, "On the Move and After Hours: Post Polak; Troutman Pepper; Capehart Scatchard; Sills Cummis," *New Jersey Law Journal*, January 16, 2026.
- Quoted, "Pennsylvania Justices Asked to 'Embrace' SCOTUS Standard on Securities Enforcement and Void Fine," *The Legal Intelligencer*, January 13, 2026.
- Quoted, "Troutman Adds Longtime Counsel To NJ Governor, AG," *Law360* and *Law360 Pulse*, November 5, 2025.