



# Mortgage Servicing and Lender Litigation

Mortgage lending and servicing can be a challenging business. Courts, legislative bodies, regulators, industry experts, consumer watchdog groups, and lawyers constantly generate new decisions, directives, and complaints that regularly change the industry's landscape. As part of an ever-changing industry, you must constantly wrestle with new and unknown obligations, risks and potential liabilities.

## Passionate and Dedicated Legal Partner

You need experienced and passionate counsel to help you manage these challenges. At Hinshaw, we define passion as having the commitment, conscientiousness, and resilience to succeed. We're ready to roll up our sleeves and get to work on developing creative legal solutions on your behalf.

**This is more than a fad.** We have been at this since well before mortgage servicing became a buzz word. Our experience allows us to provide you with tailored legal advice necessary to meet the latest challenges and get you back to your business.

**We work with clients to create favorable law.** In partnership with our clients, we establish precedential legal principles. For example, matters we have assisted the industry in defining:

- When foreclosure plaintiffs have the necessary standing to pursue a legal remedy in court;
- Which portions of the power of sale must be strictly complied with prior to foreclosure;
- The validity of Assignments of Mortgage;
- When an offer to modify creates a binding contract;
- That individual borrowers do not have standing to raise non-compliance with Pooling and Servicing Agreements; and,
- A note discharged in bankruptcy can confer standing to a subsequent assignee to enforce the mortgage.

## Our Client Service Philosophy

**Our mission is to deliver highly effective and efficient client service.** That means we want to get to know you, your culture, your business and your goals. Familiarity with your business allows us to tailor our service to your particular needs and objectives.

**When you reinvent yourself, so do we.** We have been a part of organizational shifts alongside our clients, whether that's servicing transfers, technology or platform changes, or regulatory mandates. We don't practice law in a vacuum

## Service Area Contacts

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Bonnie E. Dye

Hayden B. Farmer

Barbara Fernandez

Jennifer L. Fisher

Aaron A. Fredericks

Jessica M. Goldberg

Sarah J. Greenberg

Taylor Hennington

Peter A. Hernandez



because we appreciate that what we call a legal challenge is your operational hurdle. With all the need to adapt and pivot, we know what's most important at core: your customers. It's what drives your business, and it's what drives ours.

## National Reach. Local Approach.

Our team has a national reach with a local approach. Our Consumer Financial Services group is a unified team of lawyers with a shared relentless passion for client-focus and attention. We offer services across the United States, utilizing best practices to meet the challenges in each jurisdiction.

## Our Clients

Mortgage and lending industry participants we routinely represent include:

- financial institutions
- servicers, sub-servicers, and specialty servicers
- investors
- mortgage insurers
- warehouse lenders

Our courtroom experience includes cases in state, federal and bankruptcy courts throughout the nation. We routinely handle actions involving allegations related to wrongful foreclosure and eviction, both as class actions and individual actions. Our attorneys also manage multi-state litigation portfolios for servicing clients, including overseeing budgets, local counsel and underlying foreclosure and bankruptcy cases.

## Thought Leadership

Following industry trends and breaking news that impacts your business—and providing analysis to you about them—are a priority for us. We blog about these topics at Consumer Crossroads, and also publish a newsletter and client alerts. Our blog is our online community. We invite you to follow the conversation by subscribing at [www.hinshawcfs.com](http://www.hinshawcfs.com).

## Related Practices

- [Regulatory and Compliance Counseling](#)
- [Consumer and Class Action Defense](#)

## News

[Hinshaw Adds Experienced Financial Services Litigator in New York](#)  
January 31, 2024

Alexandria A. Kaminski  
Mitchell S. Kurtz  
Hale Yazicioglu Lake  
Leah R. Lenz  
Matthew Lindsey  
Gabrielle Mannuzza  
Stephen T. Masley  
Walter McInnis  
Michael J. McKleroy  
Concepcion A. Montoya  
Helen G. Mosothoane  
Omar Mulamekic  
Stephanie N. Mulcahy  
John Alexander Nader  
Ashley R. Newman  
Jason J. Oliveri  
Emilio Onolfi  
Ronald H. Park  
J. Michael Paulino  
Vanessa V. Pisano  
Nicholas A. Ponzio  
Ben Z. Raindorf  
Alfredo "Fred" Ramos  
Brent M. Reitter  
Jessica A. Riley  
Fernando C. Rivera-Maissonet  
John P. Ryan  
Megan E. Ryan  
Anthony P. Scali  
David M. Schultz  
Donald W. Seeley Jr.  
Eric J. Simonson  
Mitra P. Singh  
Gary D. Sonnenfeld  
Evan N. Soyer  
Claire Standish  
Kyle B. Stefanczyk  
Margaret S. Stefandl  
Todd P. Stelter



Fernando C. Rivera-Maissonet Appointed Chair of the Hispanic National Bar Association's Business Law Section

October 4, 2023

Hinshaw Expands Consumer Financial Services Practice with Two Partners and a Senior Counsel

July 12, 2023

Samuel Bodurtha and April Villaverde Recognized as 2023 Client Service All-Stars by BTI Consulting

June 13, 2023

Hinshaw Expands Texas Presence with New Dallas Office and a Team of Financial Services Attorneys

February 1, 2023

Brian McGrath Appears on CBS New York as Governor Hochul Mulls Whether to Sign New York Foreclosure Abuse Prevention Act

August 2, 2022

Brian McGrath Recognized as a 2022 Crain's New York Notable Diverse Leader in Law

July 13, 2022

Hinshaw Adds Consumer Financial Services Partner Bonnie Dye in New Orleans

April 11, 2022

Brian McGrath Discusses Effects of New York Foreclosure Abuse Prevention Act on Lenders and Borrowers

March 31, 2022

Hinshaw Opens DC office, Adds Consumer Financial Services Partner

March 25, 2022

Hinshaw Adds Veteran Financial Services Litigator in New Jersey and New York

February 10, 2022

Hinshaw Partner Barbara Fernandez Recognized as Businesswoman of the Year by Coral Gables Chamber of Commerce

November 29, 2021

Hinshaw Expands in Northeast Adding New Jersey Office and Eight Lawyers

August 26, 2021

Hinshaw Partner Barbara Fernandez Profiled in DBR: the First Woman to Run Hinshaw's Miami Office

June 10, 2021

Trio of Hinshaw Attorneys Explore TCPA Compliance Issues and the Impact of the Supreme Court Decision in MBA Presentation

April 22, 2021

Hinshaw Partner Barbara Fernandez Recognized as a 2021 Influential Business Woman by South Florida Business Journal

April 9, 2021

Karena J. Straub  
Mohamed F. Sweify  
C. Charles Townsend  
Whitney Uicker  
Jennifer W. Weller  
Brian S. Whittemore  
Vanessa L. Williams  
Brandon M. Wrazen  
S. Sherry Xia  
Sam S. Zabaneh  
Mitchell E. Zipkin

### Related Services

Consumer and Class Action Defense  
Consumer Financial Services  
Regulatory and Compliance Counseling  
The Telephone Consumer Protection Act



[Carlos Ortiz Analyzes in ARM Compliance Digest: CFPB Rescinds Policy on Identifying Abusive Acts or Practices](#)  
March 22, 2021

[Reviewing Landmark NY High Court Ruling in "Mortgage Prom" Litigation: Schuyler Kraus and Brian McGrath Provide Analysis in Law360 and American Banker](#)  
March 10, 2021

[Vaishali Rao Analyzes in ARM Compliance Digest: CFPB Announces First Enforcement Action Under New Leadership](#)  
March 8, 2021

[Vaishali Rao Analyzes in ARM Compliance Digest: CFPB Releases Special Supervisory Highlights on Response to COVID](#)  
February 8, 2021

[David Schultz Analyzes in ARM Compliance Digest: CFPB, State AGs Reach \\$85M Settlement With Mortgage Servicer](#)  
December 21, 2020

[Carlos Ortiz Analyzes in ARM Compliance Digest: EDNY Judge Denies MTD in FDCPA Case Over Reference to Creditor in Letter](#)  
December 16, 2020

[Hinshaw Client Success Named Among "Top Ten Most Influential ARM Cases" of 2020 by Collector Magazine](#)  
December 2, 2020

["Getting to Know" Series: Hinshaw Partner David Schultz Profiled by AccountsRecovery.net](#)  
November 16, 2020

[David Schultz Analyzes in ARM Compliance Digest: CFPB Stands Behind Collector for Itemizing Debt in Letter](#)  
November 9, 2020

[David Schultz Analyzes in ARM Compliance Digest: CFPB Enforcement Actions Spike in Q3 2020](#)  
October 26, 2020

[Carlos Ortiz Analyzes in ARM Compliance Digest: Defendants Settle Class Action FDCPA Suit](#)  
October 20, 2020

[John Ryan Discusses What Amy Coney Barrett's Nomination Could Mean for the ARM Industry and the TCPA](#)  
October 13, 2020

[Following Seila Law Decision, Fifth Circuit Considers en banc Whether Ratification is Sufficient to Protect CFPB Actions](#)  
August 18, 2020

[Hinshaw Adds Five-Partner Group with Consumer Financial Services, Bankruptcy, and Commercial Litigation Experience, and Extends Southern Roots with Louisiana Presence](#)  
July 20, 2020

[Gretchen Sperry Previews Oral Argument in SCOTUS Review of CFPB's Constitutionality](#)  
March 9, 2020

[Hinshaw Adds Five Lawyer Group to Consumer Financial Services Practice in New York](#)  
February 24, 2020

[Hinshaw Client Success Named Among "Top Ten Most Influential Cases" for the AR Management Industry in 2019 by Collector Magazine](#)  
December 3, 2019

[Hinshaw Adds Jennifer L. Gray to Consumer Financial Services Practice in California](#)  
August 20, 2019



[Client Success: Target Corporation Secures Dismissal of FDCPA Case involving Attorney Involvement Disclaimer](#)  
July 23, 2019

[Barbara Fernandez Named Partner-in-Charge of Hinshaw's Miami Office](#)  
April 30, 2019

[Hinshaw's David Schultz Receives Judicial Advocacy Award from ACA International](#)  
July 20, 2017

[Following Oral Argument, is CFPB Likely to Win PHH v. CFPB Constitutional Case?](#)  
May 30, 2017

[Hinshaw Announces Consumer Crossroads, a New Consumer Financial Services Blog](#)  
April 24, 2017

## Events

[Mortgage Bankers Association's Legal Issues and Regulatory Compliance Conference 2022](#)  
May 23, 2022  
Miami, Florida

[Peer-to-Peer Financial Services Forum: The Frontlines of Mortgage Servicing](#)  
March 30, 2021  
Virtual Event

[Dustin Alonzo to Present on Advisory Opinions Under the new CFPB Debt Collection Rule](#)  
December 10, 2020  
Webinar

[Maura McKelvey to Present at National Forum on Residential Mortgage Regulatory Enforcement & Litigation](#)  
November 17, 2020  
Virtual Event

[David Schultz and Vaishali Rao to Address Q3 Uptick in CFPB Enforcement Actions](#)  
November 10, 2020

[David Schultz to Speak in CFPB ACA Huddle Webinar](#)  
November 9, 2020

[Mortgage Bankers Association's Legal Issues and Regulatory Compliance Conference](#)  
May 6, 2019  
New Orleans, Louisiana

[Ellen Silverman Scheduled to Speak at insideARM Women in Consumer Finance Conference](#)  
December 11, 2018  
Baltimore, Maryland

[Ellen Silverman Speaks at Residential Mortgage Regulatory Enforcement & Litigation Conference](#)  
October 22, 2018  
Dallas, Texas

## Publications

[Reasons for Optimism as Eleventh Circuit Revisits Hunstein and Doubles Down](#)  
October 29, 2021 | Consumer Law Hinsights – Special Edition

[CFPB Announces Final Mortgage Servicing Rule to Help Borrowers Affected by the COVID-19 Pandemic Avoid Foreclosure](#)



June 29, 2021

Consumer Financial Services Alert

[In Significant Check on Federal Consumer Class Actions, U.S. Supreme Court Holds "No Harm, No Foul"](#)

June 26, 2021 | Consumer Law Hintsights – Special Edition

[Consumer Law Hintsights – April 2020](#)

April 23, 2020

[HECMs in the Regulatory and Congressional Spotlight](#)

October 8, 2019

Consumer Financial Services Alert

[HUD Issues Three New Mortgagee Letters for HECM Program Guidance](#)

October 7, 2019

Consumer Financial Services Alert

[Consumer Financial Services Newsletter - December 2016](#)

December 21, 2016

[Consumer Financial Services Newsletter - November 2016](#)

November 22, 2016

[Florida's Highest Court Says Each Default Resets Statute of Limitations for Foreclosure Actions](#)

November 4, 2016

Consumer Financial Services Alert

[Consumer Financial Services Newsletter - October 2016](#)

October 28, 2016

[CFPB Gives Preview of Changes Coming to the Collection Industry](#)

August 3, 2016

Consumer Financial Services Alert

[NY Strengthens Law Concerning Zombie Properties as Well as Good Faith Negotiations](#)

July 25, 2016

Consumer Financial Services Alert

[Consumer Financial Services Newsletter - May 2016](#)

May 19, 2016

[Consumer & Class Action Litigation Newsletter - January 2016](#)

January 29, 2016

[Consumer & Class Action Litigation Newsletter - December 2015](#)

December 15, 2015

[Consumer & Class Action Litigation Newsletter - October 2015](#)

October 29, 2015

[Consumer & Class Action Litigation Newsletter - September 2015](#)

September 29, 2015

[Consumer & Class Action Litigation Newsletter - August 2015](#)

August 24, 2015

[Consumer & Class Action Litigation Newsletter - April 2015](#)

April 30, 2015

[Illinois Appellate Court Reviews the Rights of a Lender as a Mortgage Holder Under a Standard Mortgage Clause in an Insurance Policy](#)



March 25, 2015

Corporate / Financial Institutions Alert

[Consumer & Class Action Litigation Newsletter - March 2015](#)

March 23, 2015

[Consumer & Class Action Litigation Newsletter - February 2015](#)

February 23, 2015

[Consumer & Class Action Litigation Newsletter - January 2015](#)

January 28, 2015

[Consumer & Class Action Litigation Newsletter - December 2014](#)

December 22, 2014

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[Consumer & Class Action Litigation Newsletter - March 2013](#)

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August 6, 2012

[Consumer & Class Action Litigation Newsletter - June 2012](#)

June 28, 2012

[Consumer & Class Action Litigation Newsletter - June 2012](#)

June 5, 2012

[7th Circuit Holds That "Called Party" Means Current Subscriber of Cell Phone When Determining "Consent" Under the TCPA](#)

May 11, 2012

Consumer & Class Action Litigation

[Consumer & Class Action Litigation Newsletter - May 2012](#)

May 9, 2012

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