

PRACTICE AREA

Banking & Lender Liability Litigation



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OVERVIEW

In recent years, lending institutions have come under attack by disgruntled borrowers, and loan transactions have been subjected to critical scrutiny by judges. It is especially important for lenders to choose experienced counsel to handle complex and contentious workouts, recovery actions, and lender liability defense.

We have successfully handled numerous complex and politically-sensitive cases for lender clients. In the area of lender liability, our greatest strength is our experience, which allows us to help clients anticipate and even avoid trouble before it happens, in addition to resolving problems that have already surfaced.

Our litigators provide the requisite versatility to resolve complex disputes on behalf of lenders of all kinds and sizes. Among our banking and lending clients are local and national banks, asset-based lenders, and asset managers, to name only a few. Whether the dispute facing the lender involves a distressed loan or property foreclosure, we deliver the experience needed to overcome borrower claims in state and federal court, including in bankruptcy courts.

When we represent lenders on the offensive, our litigators focus on advocacy that preserves the value of the loan. We often employ provisional remedies to resolve a dispute early on – which are considered time sensitive and can offer the upper hand at the beginning of the resolution process. Our mastery of litigation strategy, commercial, bankruptcy, and real estate law support us in readily identifying and executing the optimal course of action on behalf of our lender clients to secure a fast, efficient recovery.

Our team has successfully conducted foreclosure auctions and sought to aggressively recover deficiency judgments. We have recovered indebtedness from obligors and guarantors in state, federal, and bankruptcy courts throughout the country, and tried difficult collateral priority disputes here in Massachusetts. Our

banking and lender liability litigation experience includes:

- Commercial debt collection, including pursuing deficiency judgments
- Defense of borrower actions seeking to enjoin or set aside a foreclosure
- Enforcement of security interests and other remedies
- Conducting commercial real estate foreclosures and secured party sales
- Lender defense against statutory claims brought under state and federal statutes, including Chapter 93A Claims in Massachusetts
- Defense and prosecution of preferential and fraudulent conveyance actions

Let's Get to Work!

To learn more about how we can help, please contact [David Phalen](#) or [Jonathan Hixon](#) at 617.422.0200.