

## **BANKING & FINANCE DISPUTES**

### **OVERVIEW**

Our highly reputed banking and finance disputes team has in-depth knowledge of the global financial services sector and its regulators. We advise investment, domestic and international banks and other financial institutions including mortgage companies, mortgage servicers, credit card issuers, fintech and insurance companies on a broad range of disputes and risk management strategies.

With significant geographic coverage, we work with our clients to resolve their complex, cross-border issues, whether it is through litigation, arbitration or any other dispute resolution forum. We also assist our clients with related regulatory investigations and enforcement actions brought by regulators around the globe.

At BCLP, we believe it is important to work with our clients at an early stage to assess and resolve issues before they become litigious, but to be prepared to take robust and resolute action to protect our client's interests wherever necessary. We work with our clients to understand their broader objectives and develop appropriate and cost effective dispute resolution strategies for future protection.

Our advice is decisive, timely, clear and is always delivered efficiently. In doing so we guide our clients through the complex regulatory and litigation environment to reach pragmatic commercial solutions. We strive to achieve these results whilst causing as little interruption as possible on the day to day running of our client's business.

### **CONSUMER FINANCIAL SERVICES LITIGATION**

Our Consumer Financial Services Litigation Team defends financial institution clients doing business in the United States against all forms of putative consumer class actions and individual claims in state and federal courts, including multi-district and bankruptcy actions, as well as in arbitrations and other alternative dispute proceedings. These cases often involve claims brought under TILA, HOEPA, RESPA, FCRA, FDCPA, ECOA, the Fair Housing Act, state unfair and deceptive practices statutes (UDAP), privacy laws, and the common law. We also regularly coordinate litigation approaches with pending regulatory or government investigations to mitigate overall risk exposure.

## MEET THE TEAM



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### **RELATED PRACTICE AREAS**

- Business & Commercial Disputes
- Class Actions
- Financial Services Corporate & Regulatory Team
- White Collar
- International Arbitration
- Insurance
- Appellate
- Data Privacy & Security

### **EXPERIENCE**

- Advised Eurosail - UK 2007 3BL PLC, the issuer in a £650 million RMBS transaction, in defending proceedings brought by noteholders. This Supreme Court case has become the seminal judgment in English law on the issue of balance sheet insolvency and is of significant importance in the securitisation industry.
- Advised a global investment bank in defending a multi-million pound claim for duress in respect of a makewhole payment under a facility agreement.
- Advised an Italian financial institution in a dispute concerning the validity of a number of interest rate swaps entered into with an Italian Municipality.

- Advised a global investment bank in a £20 million credit default SWAP claim being made up by the winding up committee of an Icelandic Bank.
- Advised an International bank in defense of multi-million dollar class action claim involving alleged conflicts of interest and breaches of fiduciary duties in management of Corporate Trust responsibilities.
- Advised a global banking institution in obtaining dismissal of putative class action pending in Central District of California alleging violations of Bank Secrecy Act and know your customer requirements in connection with consumer bank deposits and an alleged investment Ponzi scheme.
- Advised a U.S. national bank obtained dismissal of commercial lending claims in California federal court alleging unfair practices and breach of SWAP contract. Advised a nationwide mortgage lender in claims involving wrongful foreclosure, HAMP loan modifications, and common laws torts related to foreclosures and eviction proceedings.

## RELATED INSIGHTS

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### **BCLP Earns Honors in Paris from Décideurs for 36 Practice Areas**

Insights

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### **Looking Forward - the future of (compulsory) ADR in business disputes and the impact of Churchill v Merthyr Tydfil**

Considered as a cheaper, quicker and less stressful mode of dispute resolution, alternative dispute resolution (“ADR”) is no longer seen as an “alternative”, and indeed has been re-named “NDR” (negotiated dispute resolution) to reflect that. Instead, it is becoming an integral part of the dispute resolution process – one which is focussed on achieving earlier and less costly resolution over which parties have control rather than engaging in an often expensive, drawn-out dispute before the court with an uncertain outcome. Here we explore where its future lies and what this means for your business.

Insights

Oct 25, 2023

### **How will changes to corporate criminal liability impact the banking sector**

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### **Chambers UK Ranks BCLP in 41 practice areas and recognizes 74 lawyers**

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Jun 16, 2023

## **Handelsblatt and Best Lawyers recognize 16 BCLP lawyers in the 2024 listing of "Best Lawyers in Germany"**

Insights

May 23, 2023

## **Drafters beware! Court of Appeal on the significance of express terms**

Every so often the Court will reaffirm the primacy of express terms while re-stating the rule that implied terms can only be relied on to the extent they are (i) so obvious as to go without saying, or (ii) necessary to give an agreement business efficacy. The latest is *Contra Holdings Ltd v Bamford* [2023] EWCA Civ 374, handed down by the Court of Appeal last month. This commentary will come as no surprise to practitioners, and yet it serves as an important reminder that implied terms should not be relied upon as a fall-back where express drafting falls short.

News

May 22, 2023

## **BCLP delivers 2023 senior managers development program for the Association of Foreign Banks (AFB)**

Insights

Feb 21, 2023

## **Catch me if you can: How the English Courts are adapting to remain an effective jurisdiction to combat crypto fraud**

The English courts have sought to lead the way in adjudicating crypto-related disputes and other technological matters in an international context. Recent decisions have demonstrated the English courts' willingness to assist victims of crypto theft, and the ability of the English legal system to adapt in order to remain an effective jurisdiction for cases involving crypto fraud. In particular, recent decisions have established that: Software developers may owe a fiduciary duty to owners of crypto; New jurisdictional gateways are effective to expand the English courts' jurisdiction to allow claimants to secure information orders against non-parties based overseas; and Service out of the jurisdiction may be permitted where there is a theft of crypto assets originally located in England but subsequently transferred abroad.

News

Feb 16, 2023

## **Chambers Global 2023**