

# Financial Institution Litigation

## Overview

Munsch Hardt's Financial Litigation practice, together with the Firm's Finance, Fraud and Bankruptcy practices, provides one of the most comprehensive representations of the financial services industry in the Southwest. Our vast experience enables us to deliver innovative and effective results for our clients, such as local, regional, national and international banks and financial institutions, mortgage companies, credit card companies, special servicers, credit unions and securities brokers.

With experience in an array of legal disputes, our team aggressively defends clients confronted with the following types of controversies:

- Accounting fraud
- Actuarial impropriety
- Bank fraud
- Bankruptcy matters
- Breach of fiduciary duty
- Breach of privacy
- Broker-dealer, investment advisor & securities disputes
- Churning
- Claims arising out of bank failures
- Class actions
- Commercial mortgage-backed securitizations
- Distressed loans
- False disclosures
- Failure to disclose material information
- Governmental (federal and state) investigations
- Insider trading claims
- Labor and employment disputes
- Lender liability
- Merger and acquisition disputes
- Officer and director liability
- Recordkeeping inadequacies
- Regulatory issues
- Usury claims
- Wrongful foreclosures

Munsch Hardt's Financial Litigation practice aggressively prosecutes claims on behalf of lenders to recover past due or defaulted loan obligations, obtain possession of collateral, protect assets serving as collateral and to collect final judgments.

Another significant aspect of our practice involves representing clients in bankruptcy courts throughout the United States as secured and unsecured creditors. We serve as counsel for committees of secured and unsecured creditors, which often include banks and other financial institutions, and work to represent lenders with loan workouts, debtors in possession, financing, bankruptcy protection planning and debtor bankruptcies. We also represent institutions serving as trustees for bonds and other debt instruments when the users or borrowers have defaulted and sought protection under bankruptcy laws.

In addition, members of our practice are adept at litigating distressed real estate loans, frequently representing lenders in foreclosure actions, obtaining the appointment of receivers to manage troubled real estate projects and bringing suit against developers personally, where appropriate, in order to enforce the terms of the loans at hand.

Munsch Hardt helps resolve issues involving investment clients and current or former employees, with an emphasis on disputes involving broker-dealers, registered representatives, investment advisors and financial planners. Whether representing companies or individuals in state, federal and appellate courts throughout Texas or arbitrations across the country, Munsch Hardt attorneys address customer initiated claims before FINRA, DSAD, NYSE, AMEX, and NFA. We efficiently address industry disputes, such as claims as securities fraud, churning, suitability, misrepresentation and failure to supervise. Our attorneys represent clients in investigations and enforcement actions brought by all security regulators, including:

- Commodity Futures Trading Commission (CFTC)
- Financial Industry Regulatory Authority (FINRA)
- New York Stock Exchange (NYSE)
- Securities and Exchange Commission (SEC)
- U.S. Department of Justice (DOJ)
- Texas Attorney General
- Texas Securities Regulators (TSSB)

Our team is also experienced in defending a wide variety of statutory and regulatory claims, including:

- Electronic Funds Transfer Act (EFTA)
- Equal Credit Opportunity Act (ECOA)
- Fair Credit Reporting Act (FCRA)
- Fair Debt Collection Practices Act (FDCPA)
- Home Ownership and Equity Protection Act (HOEPA)
- Real Estate Settlement Procedures Act (RESPA)
- Truth-in-Lending Act (TILA)
- Fair Housing Act (FHA)
- Telephone Consumer Protection Act (TCPA)

## Experience

### Financial Institution Litigation

Defense of a financial institution for lending practices resulting from the alleged misuse of collateral owned by a third party and claims for damages of \$15 MM resulting in a summary judgment that the plaintiff take nothing.

### Energy + Banking Representation

Represented an individual in a dispute with her limited partners and lenders over the obligations of the other limited partners to meet their financial obligations for the debts and banking obligations in excess of \$20 MM in an oil field services company.

### Financial Institution Litigation

Defended a financial institution against a construction company's claims to certain lien priority and contract breach claims.

## Financial Institution Litigation

Prosecuted a claim against a small oil and gas operator to recover on a defaulted loan and to restrain the borrowers threat to damage collateral.

## Financial Institution Litigation

Assisted a client in collecting against a sub-prime lender through liquidation of sub-prime loans and collateral.

## Financial Institution Litigation

Assisted a financial services client in the appointment of a receiver for a limited service hotel and subsequent sale of collateral.

## Practice Leaders



**James McGee**

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## Related People

Phil Appenzeller  
Cameron Asby  
Steven Harr

Anne-Alise "Ali" Hinckley  
Stephen Huschka  
James McGee  
Brie Miller  
Gregory Noschese  
Ross Parker  
Brandon Stendara  
Fred Wahrlich

## Related Practices

Litigation  
Antitrust  
Appellate  
Arbitration  
Director & Officer Litigation  
Insolvency Litigation  
Lawyer & Law Firm Litigation  
Personal Injury & Wrongful Death  
Products Liability  
Warranty  
Environmental Litigation  
Intellectual Property Litigation  
Employment Litigation  
Trade Secrets  
Tax Controversy

## Related Industries

Admiralty & Maritime  
Financial Services  
Construction  
Energy  
Health Care  
Hospitality  
Insurance  
Manufacturing  
Retail  
Technology & Telecommunications  
Transportation

## Newsroom

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**Press Release:** Munsch Hardt Ranks Among Nation's Top Firms in 2020 "Best Law Firms" List by U.S. News - Best Lawyers®