

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 CAPABILITIES

- Business & Commercial Disputes
- Class Actions
- Financial Services Corporate & Regulatory Team
- White Collar
- International Arbitration
- Insurance & Reinsurance
- 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

Insights

Mar 10, 2025

State Laws Present Litigation Risks for Financial Industry's Artificial Intelligence Use

The financial industry increasingly uses artificial intelligence ("AI") to raise business efficiencies, improve customer experience, and limit fraud and crime. However, two lawsuits leveraging existing state privacy laws and a spate of new AI-specific legislation spotlight how this use could implicate state laws and expose financial institutions to litigation.

Insights

Jan 29, 2025

Enforcement of judgments between France and England

Being able to enforce a judgment is of crucial importance for businesses: securing a judgment is a pyrrhic victory unless it can be enforced. Here we explore whether concerns about the recognition and enforcement procedure between France and England can now be laid to rest. Our answer is that for commercial and finance parties, the answer is to a large degree, yes.

News

Jun 06, 2024

Chambers USA 2024

News

Dec 19, 2023

BCLP Earns Honors in Paris from Décideurs for 36 Practice Areas

Insights

Dec 01, 2023

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

News

Oct 19, 2023

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

News

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.