

FINANCIAL INSTITUTIONS LITIGATION

Sheppard, Mullin, Richter & Hampton LLP is a leader in the representation of financial services institutions. Our Financial Institutions Litigation practice consists of attorneys located throughout the firm who focus their full attention on representing institutional clients in state and federal trial and appellate courts, as well as in arbitration, mediation and other alternative dispute resolution proceedings. We provide solutions to clients at every stage of dispute resolution, from demand letters on overdue obligations to pre-litigation negotiations and settlement through provisional remedies and litigation and appellate matters.

Our experience includes a wide variety of claims, such as disputes pertaining to:

- Class action and appellate matters
- Creditor's rights, intercreditor disputes and lender liability
- Consumer credits, bank operation and fraud claims
- Directors and officers' liability
- Discriminatory/predatory lending
- Guaranties and provisional remedies
- Banking practice and procedure claims
- RICO violations
- Uniform Commercial Code
- Will and trust contests

The Sheppard Mullin team includes seasoned trial and appellate lawyers, as well as lending, bankruptcy, commercial and real estate lawyers. Because the cases handled often involve complex credit relationships coupled with pending or potential bankruptcies and/or workouts, our litigators work closely with our bankruptcy, commercial and real estate lawyers to maximize the lender's leverage, minimize risks and obtain the best possible results.

Creditors' Rights and Provisional Remedies

Sheppard Mullin attorneys work daily to develop solutions for creditors that create and preserve value. Provisional remedies are time sensitive and offer tactical advantages in resolving a dispute. Our attorneys move quickly to identify the right opportunity and implement the appropriate remedy based on the client's needs. Our success has ranged from obtaining writs of attachment in both state and federal proceedings to the appointment of receivers to preserve collateral to recovered indebtedness from both primary obligors and guarantors.

We are regularly retained by financial institutions to preserve loan collateral. Our attorneys have been successful in obtaining receivers for a diverse cross section of businesses and properties including, among others, commercial and industrial sites, hotels, golf courses and apartment complexes. Our guidance of the receivership process, beginning with evaluating state and local laws and ending in the ultimate disposition of the property, has provided our clients with both results and savings.

Lender Liability

Sheppard Mullin is a recognized leader in the defense of lender liability matters. We have successfully resolved some of the largest and most complicated lender liability matters and defended multi-million dollar claims before the courts and in arbitration proceedings. We have represented lenders in a vast array of matters, including breach of contract involving breach of commitment to fund or renew loans, oral commitments and good faith and fair dealing, as well as bad faith and breach of fiduciary duty. Our Financial Institutions Litigation team also maintains substantial expertise in litigation involving fraud and misrepresentation, negligent loan processing and administration and fraudulent or preferential transfers.

Appellate

The successful representation of a variety of institutional clients at the appellate level in various state and federal courts has given Sheppard Mullin a solid reputation for excellence in acting as lead counsel throughout the appeals process. Our attorneys are prepared to effectively handle post-trial writ petitions, post-trial motions and appeals in the California Supreme Court and the California Court of Appeal. We assist our institutional clients to analyze whether the appeals process is both the optimal legal and business decision; we do not take lightly the decision to vigorously pursue the appeals process should we believe in victory for our clients.

Sheppard Mullin attorneys understand the differences between trial and appellate work and we are very familiar with the complexities of the appeals process, which oftentimes varies from jurisdiction to jurisdiction. Our ability to enhance the likelihood of prevailing on appeal is heightened by our fresh perspective and original ideas, which we bring to each matter.