



Frank A. Hirsch, Jr.
Of Counsel

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Frank is the managing director of the firm's Raleigh office, Chair of the firm's Consumer Finance group, and a member of the Litigation and Lender Representation groups. His practice focuses on business litigation, arbitration, and alternative dispute resolution, as well as regulatory compliance issues, and class actions affecting the financial services industry. Frank has extensive experience managing state and federal banking and compliance issues, residential and commercial loan servicing, regulatory oversight issues/exams, and consumer lending investigations by state attorneys general or the FTC. His practice also includes enforcement actions (HUD, FHA, FRB, OCC, FDIC) and CFPB inquiry initiatives.

PRACTICE AREAS

- Litigation
- Consumer Finance
- Lender Representation

REPRESENTATIVE MATTERS

- Following the “robo-signing” servicing crisis in 2010, he acted as lead independent legal counsel to the testing for four of the 16 foreclosure review process look-backs (the Independent Foreclosure Reviews) mandated by the Office of the Comptroller of the Currency (OCC) and Federal Reserve Bank (FRB) pursuant to consent orders signed in April, 2011
- Defended a furniture component and integrated solutions manufacturer in multidistrict litigation (MDL) alleging antitrust price-fixing by a group of polyurethane foam manufacturers spanning over a decade of commercial activity
- Defended a consumer financial services company in a putative nationwide class action brought by residential home loan mortgagors alleging deceptive marketing and implementation of an interest rate reset loan feature
- Defended a residential, nondepository mortgage lender and its foreign subsidiary in a putative class action alleging violations of North Carolina's Unfair and Deceptive Trade Practices Act and North Carolina Fair Debt Collection Practices Act and breach of contract arising out of alleged force-placed hazard and flood insurance
- Represented the individual directors and officers of a bank with regard to an FDIC investigation and threatened lawsuit
- Defended a top nationwide consumer financial services lender in a consumer class action case alleging that the client made deceptive payday loans to over 100,000 North Carolina residents
- Acted as national coordinating counsel for a national mortgage servicer in multiple problem foreclosure cases in the Northern District of Illinois, Southern District of New York (White Plains), Los Angeles Superior Court, and state court disputes in North Carolina, Boise, Idaho, and Edmund, Oklahoma
- Defended a major loan servicing company in put-back litigation in which over 1,700 loans were the subject of multiple repurchase demands by an investor
- Defended a major loan servicing company in mortgage put-back litigation in which over 800 loans were identified in multiple repurchase demands by an investor
- Defended a major loan servicing company in put-back litigation in which hundreds of loans were purportedly in breach of multiple provisions of the loan agreements

RECOGNITION AND HONORS

- *Best Lawyers in America*, 2008–2021
- *Best Lawyers in America*; Financial Services Litigation Lawyer of the Year, 2012
- AV® Rated; Martindale-Hubbell

ASSOCIATIONS

- *Law360*; Banking Editorial Advisory Board, 2013-2014
- North Carolina State Bar
- Consumer Financial Services Law Report; Financial Services Advisors Board, 2010-2019
- International Association of Defense Counsel (IADC); Class Action Committee, Member; Business Litigation Committee, Member
- American College of Consumer Financial Services Lawyers
- North Carolina Center for Banking and Finance at The University of North Carolina School of Law; Advisory Board, 2000 – Present
- North Carolina Bankers Association; Affiliate Member
- American Bar Association

EDUCATION

- University of North Carolina at Chapel Hill, B.A., 1983
- Vanderbilt University, J.D., 1986

ADMISSIONS

- North Carolina

PRESS AND PUBLICATION

- Credit Union Client Alert – Wells Fargo Must Pay \$250 Million Fine, September 2021
- Lender Representation Client Alert - CDC's Nationwide Eviction Moratorium, May 2021
- "Litigation Strategies - TCPA Vicarious Liability Class-Action Claims: Avoiding the 'Dragnet,'" *Consumer Financial Services Law Report*, May 22, 2018
- "No Spokeo Redux, No Federal Circuit Unanimity for FCRA Class-Action Standing," *Consumer Financial Services Law Report*, Vol. 21, No. 17, March 6, 2018
- "The CFPB Final Rule on Arbitration: This Game is Far From Over," *Consumer Financial Services Law Report*, Vol. 21, No. 8, August 29, 2017
- "Incentive-Based Compensation Programs: The Consumer Financial Protection Bureau's Position," *Employee Benefit Plan Review*, June 2017
- "Focusing on Significant Caselaw and Emerging Trends," *Consumer Financial Services Law Report*, Vol. 20, No. 20, April 11, 2017
- "PHH Corp. Finds Temporary Respite in DC Circuit's RESPA Ruling," *Consumer Financial Services Law Report*, Vol. 20, No. 11, November 6, 2016
- "The Spokeo Result: Who's Peddling Uphill and Who's Just Coasting Down," *Consumer Financial Services Law Report*, Vol. 20, No. 9, September 25, 2016
- "Disparate-Impact Litigation Trends Following Inclusive Communities," *Consumer Financial Services Law Report*, Vol. 19, No. 21, May 1, 2016
- "The CRA and Local Laws: New York City's RBA Falls to Preemption Challenge," *Commercial Lending Litigation News*, Vol. 28, No. 11, September 20, 2015
- "FCA and Fraudulent FHA Loan Underwriting: Quicken Balks at HUD/DOJ Settlement Demands," *Consumer Financial Services Law Report*, Vol. 19, Issue 6, July 24, 2015
- "Litigation Trends Under the TCPA," *Consumer Financial Services Law Report*, Vol. 18, Issue 20, April 10, 2015
- "Life After Jesinoski: The New 'Wild West' of TILA Rescission," *Consumer Financial Service Law Report*, February 13, 2015
- "SCOTUS Questions TILA Rescission Rights," *Consumer Financial Services Law Report*, January 16, 2015
- "The Recent DC Federal Court Decision in American Insurance Rejecting the HUD Proposed Rule on Use of the Disparate Impact Theory to Establish Discrimination Violations Where Intent Is Absent," *Consumer Financial Services Law Report*, November 11, 2014
- "Rule 23's Ascertainability Requirement: A Powerful Defense to Class Certification," IADC Community Newsletter, Class Actions and Multi-Party Litigation, October 1, 2014

PRESS AND PUBLICATION (CONT.)

- “The Impact of Noel Canning on Richard Cordray’s Directorship of the CFPB and on CFPB Activity Post Appointment,” *Financial Fraud Law Report*, June 2013
- “How Noel Canning May Impact the CFPB, Richard Cordray, and Consumer Financial Services,” *Commercial Lending Litigation News*, March 8, 2013
- “The CFPB Appointment of Richard Cordray as Director Clouded by Noel Canning Decision in DC Circuit,” *Consumer Financial Services Law Report*, January 2013
- “False Claims Act/Qui Tam Actions Involving the Residential Mortgage Business,” (Government Guarantee Programs and Loan Modification Programs) *Consumer Financial Services Law Report*, September 2012
- “FCA Risks for Mortgage Servicers Resides in Borrower Loan Mod Fraud,” *Consumer Financial Services Law Report*, Volume 16, Issue 6, August 28, 2012
- “Lender-Placed Insurance Practices Under Attack from Multiple Directions,” *Consumer Financial Services Law Report*, Vol. 15, Issue 18, April 10, 2012
- “The Serviceman’s Civil Relief Act (SCRA) Enforcement Trends,” *Consumer Financial Services Law Report*, September 2011
- “ATM Fee Notice Class Actions; Professional Plaintiffs and Possible Defenses,” *Consumer Financial Services Law Report*, Vol. 15, Issue 4, Jul. 18, 2011
- “The Electronic Funds Transfer Act (EFTA) and ATM Fee Posted-Notice Class Actions,” *Consumer Financial Services Law Report*, June 2011
- “Richard Cordray’s Ohio AG Experience as a Lens for His Focus as New Enforcement Chief at the CFPB,” *Consumer Financial Services Law Report*, February 2011
- “First Wave of Foreclosure Documentation Class Actions Come Ashore,” *Consumer Financial Services Law Report*, Vol. 14, Issue 12, November 24, 2010
- “Aiding and Abetting Fraudulent or Predatory Lending—Where Is the Law Three Years After Lehman’s Liability Was Upheld by the Ninth Circuit?,” *Banking and Financial Services Policy Report*, July 2010
- “Arbitrations as ‘a Matter of Consent, Not Coercion’: The Impact of Stolt-Nielsen and American Express on Class Action Waivers,” *Consumer Financial Services Law Report*, Vol. 14, Issue 1, May 26, 2010