Banking & Finance

Throughout the firm’s history, GrayRobinson attorneys have served as counsel for a number of banks, commercial lenders and financial institutions, broker-dealers, pension funds and insurance companies. We have developed vast experience in lending issues, including commercial financing, consumer credit, banking and commercial litigation and creditors’ bankruptcy.

Our banking relationships are a vital element of our success. Our goal is to deliver the highest level of client service. We are deal makers, not deal breakers. We read the fine print but also keep an eye on the big picture to provide the quickest turnaround possible. We understand the need for responsiveness. We are available at all times and will work around the clock to help achieve our clients’ success.

Banking and Commercial Litigation

GrayRobinson attorneys represent our lending clients in all manner of commercial litigation, including banking software litigation, collections, mortgage and securities agreements, foreclosures, lender liability, title insurance claims defense and prosecution of fraud, forgery, and other matters involving deposit accounts, letters of credit, wire transfers that are governed by the Uniform Commercial Code, and litigation and defense of defamation suits involving both federal and state fair debt collection acts and collection reporting acts. We offer an experienced and tenacious trial team with an impressive record of resolving cases to our clients’ satisfaction.

Today’s monetary world has moved away from the exchange of coins and paper money to a fast swipe of a credit card. The credit process has allowed consumers to finance their transactions while having to pay little out-of-pocket cost at the time of transaction. This process has created much need for legal counsel that understands the federal and state laws governing consumer finance.

Banking Class Actions

We have significant experience helping our clients achieve favorable results at every phase of a class action, including obtaining dismissals of class action complaints, defeating Class Certification, winning summary judgment motions, prevailing at trial and on appeal, and properly positioning our clients in a class action to allow for early and favorable settlements.

We keep resolution in mind, while vigorously seeking dismissal of the claims and Class Certification. From the outset, we work with our clients to define the issues and present an aggressive and economical defense strategy.
Consumer Lending and Regulatory Review and Monitoring

GrayRobinson’s financial services attorneys represent and defend banks and financial institutions in regard to consumer claims alleging violations of state and federal statutory consumer lending, collection, and credit reporting matters, such as consumer claims involving the Florida Consumer Collection Practices Act, the Florida Deceptive and Unfair Trade Practices Act, the federal Consumer Credit Protection Act, the federal Fair Debt Collection Practices Act, the federal Fair Credit Reporting Act and the federal Equal Credit Opportunity Act.

Our attorneys are at the forefront of regulatory review and monitoring, to ensure our clients are in compliance with federal and state laws and Bank Regulation CC, as well as the U.S. Patriot Act and the Sarbanes-Oxley Act, and other issues that affect the credit industry.

Electronic Discovery

Electronically stored information (“ESI”) plays a significant role in every complex case. We have significant experience with eDiscovery including preservation, collection, review and production of ESI. Leveraging technology and vendor relationships where feasible, our team is able to efficiently manage the data explosion and costs associated with eDiscovery. GrayRobinson employs technology-assisted review where appropriate to be cost-effective and maintain proportionality. Our comprehensive eDiscovery architecture reduces repetitive review of key documents throughout the discovery process thus eliminating inefficiency and reducing costs.

Sophisticated Collection Activities

Sometimes, obtaining a "money judgment" is the easiest part of litigation for a creditor. Our team has collected millions, upon millions of dollars using Florida’s full range of collection remedies. In particular, we have experience in successfully utilizing Florida’s enactment of the Uniform Fraudulent Transfer Act in state, federal, and bankruptcy courts.

Corporate and Real Estate Finance

We handle all types of commercial and residential real estate transactions in addition to representing companies seeking start-up or expansion financing. We work closely with banks and similar financial institutions, venture capitalists, securities underwriters and private sources. In addition to performing legal services on behalf of our lending clients, we actively seek opportunities to refer our developer, landowner and corporate clients to appropriate sources of funding.

Lender Liability

We successfully defend financial institutions and other businesses in lender liability litigation, including class action litigation, usury claims, and “truth in lending” claims, in both state and federal courts. Our team also successfully prosecutes multi-million dollar usury and other lender liability claims. These experiences enable us to better represent both lenders and borrowers, not only in the courtroom but also in the boardroom while analyzing legal rights and business options.
Creditors' Bankruptcy Litigation

Bankruptcy is not only an area of concentration within the practice of law: bankruptcy is also a forum uniquely suited to resolve many complex business disputes in a fast, efficient, and fair manner. Disputes pertaining to corporate governance, misappropriation of business assets, landlord-tenant disputes, insurance coverage, and other forms of sophisticated litigation can often be resolved most rapidly in bankruptcy court. While our litigators are experienced in all courts in the State of Florida, we litigate complex disputes in every Florida division of the United States Bankruptcy Court, as well as many bankruptcy courts throughout the country.

We represent creditors in bankruptcy issues including business workouts, Chapter 11 and Chapter 13 reorganizations, commercial collections, insolvency and loan workouts in all of Florida's state and federal courts. Our Bankruptcy litigators focus on representing credit card issuers in bankruptcy matters including non-dischargeability proceedings, relief from stay proceedings and objections to confirmation in Chapter 13 cases.

Debt Restructuring

Insolvency contexts often require loan modification transactions to be completed on an expedited basis in order to maximize the lender-client ability to expand the available pool of collateral, and to avoid the consequences of certain bankruptcy law that can retroactively "undo" workouts. Our team appreciates the need for prompt, skillful service when a borrower is at the point of insolvency.

Loan Enforcement and Workouts

Our philosophy is to get results for lenders. GrayRobinson attorneys design reorganization plans, coordinated workouts and loan restructurings, represent and work with creditors' committees and trustees and handle bankruptcy appeals. Many of our financial institution clients, private investors and property owners have worked with us for more than thirty years seeking guidance on how to resolve a financial relationship.

Environmental Issues

The environment continues to play an increasingly important role in commercial real estate transactions. We have successfully cleared the way for clients’ real estate projects, which had been languishing for years because of environmental concerns.