Andrew Atkins

Partner

Charlotte

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OVERVIEW

Focused on the financial services industry, Andrew represents clients in high-stakes litigation, class action disputes, appellate matters, and commercial arbitrations across the U.S. Clients turn to him for representation in business torts, general commercial contracts, investigations, and compliance, and other government enforcement and regulatory matters, including CFPB compliance.

Andrew has represented banks and other financial institutions in disputes involving complex financial products and instruments, residential mortgage securitizations, consumer class actions, investor claims, software and technology disputes, insurance coverage disputes, and other complex litigation matters. He has significant experience with residential mortgage issues, including the defense of mortgage repurchase and indemnification claims, and has represented large financial institutions in mortgage repurchase and indemnification litigation arising from multiple securitization trusts.

Andrew regularly defends banks in cases alleging wire fraud and assertions of liability based on inadequate security procedures and fraud detection protocols, as well as against allegations of elder fraud and financial exploitation in connection with their handling of financial transactions for elder adults. He has also represented banks in class action lawsuits related to CARES Act mortgage forbearances and EFTA claims, and defended financial institutions against consumer class actions arising from residential mortgage loan modifications. Andrew also provides compliance-related advice pursuant to CFPB and other financial industry regulations.

In addition to financial services, Andrew has represented clients in the food and beverage, health care, and retail industries.

REPRESENTATIVE MATTERS

Financial Services

- Represented a national bank in a series of class action lawsuits filed in federal and bankruptcy court related to CARES Act mortgage forbearances.
- Represented a national bank in a series of EFTA class actions in which the firm successfully moved to compel arbitration.
- Represented a large financial institution in a case arising from an insurance fraud scheme perpetrated by bank

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customers, which included anti-money laundering compliance and regulatory aspects.

- Represented a large financial institution in mortgage repurchase and indemnification litigation arising from multiple securitization trusts and related bankruptcy settlements.
- Represented a large financial institution with respect to a state attorney general's investigation of mortgage foreclosure and servicing practices.
- Represented a large financial institution in a bankruptcy class action adversary proceeding lawsuit involving claims arising from residential mortgage loan modifications.
- Regularly defends banks in cases alleging wire fraud and assertions of liability based on inadequate security procedures and fraud detection protocols.
- Regularly defends banks against allegations of elder fraud and financial exploitation in connection with their handling of financial transactions for elder adults, including claims asserting negligence, and failure to comply with regulatory guidelines protecting the elderly.
- Represented a cloud-based point-of-sale (POS) and payment processing firm in a TCPA class action lawsuit.
- Representing a national bank in connection with a third-party subpoena issued by a state attorney general.

Other Matters

- Represented a global company in an investigation by District of Columbia Attorney General of False Claims Act allegations.
- Represented a health care company in a complex contract dispute with software consultant regarding the sufficiency of provided services.
- Represented a closely held business owner with respect to various contract and tort disputes with fellow shareholder.
- Represented a large utility company in litigation involving alleged antitrust violations.
- Represented a national food and beverage franchisor in a dispute with franchisees regarding failure to comply with terms of franchise agreements.
- Representing a multifamily construction company in a dispute with an engineering firm relating to alleged failure to provide professional services and overbilling.

AWARDS

- *Best Lawyers in America®: Ones to Watch:* Commercial Litigation (2024-2025), Financial Services Regulation Law (2024-2025)
- *Benchmark Litigation*: "40 & Under List" in North Carolina (2024-2025)

TOP AREAS OF FOCUS

- Business Litigation
- Consumer Financial Services

ALL AREAS OF FOCUS

- Banking + Financial Services Regulation
- Banking Litigation
- Business Litigation
- Class Action
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Community Banking
- Consumer Financial Protection Bureau (CFPB)
- Consumer Financial Services
- Consumer Law Compliance
- Educational Institutions
- Energy
- Enforcement Actions + Investigations
- Fair Credit Reporting Act (FCRA)
- Fair Debt Collection Practices Act (FDCPA)
- Federal Trade Commission (FTC)
- Financial Services
- Financial Services Litigation
- Financial Services Securities + Capital Markets
- Insurance + Reinsurance
- Litigation + Trial
- Mortgage Lending + Servicing
- Payments + Financial Technology
- White Collar Litigation + Investigations

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Fellow, American Bar Foundation
- Member, American Bar Association
- Co-chair, Litigation Section, Young Advocates Committee, American Bar Association

PROFESSIONAL EXPERIENCE

- Judicial extern to the Honorable Lawrence L. Koontz, Jr. of the Supreme Court of Virginia

EDUCATION AND CERTIFICATIONS

EDUCATION

- Washington and Lee University School of Law, J.D., *cum laude*, 2011, executive editor, *Washington and Lee Law Review*
- Davidson College, B.A., 2006, Kuykendall scholar

BAR ADMISSIONS

- Florida
- North Carolina

COURT ADMISSIONS

- U.S. District Court, Western District of North Carolina

- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida

CLERKSHIPS

- Hon. Donald Middlebrooks, U.S. District Court, Southern District of Florida, 2011-2012

PUBLICATIONS

- Author, “A Complicated Environment,” 67 *Washington and Lee Law Review* 1624, 2010.