Andrew Braunstein

Partner

New York

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Andrew focuses on disputes involving nonbank lenders, loan servicers, and securitization trusts, as well as small business lending litigation. He represents clients in complex litigations and class actions and also guides them through government investigations, including DOJ, regulatory, and congressional inquiries.

OVERVIEW

Andrew is a litigator whose clients are almost exclusively financial services companies — banks, nonbank lenders, loan servicers, securitization trusts, and others in the industry. He knows their businesses, how they're regulated, and the litigation and regulatory exposure that comes with operating in their markets. When those clients have a problem, whether it's a business dispute, a consumer class action, a regulatory investigation, or a trade secret case that has little to do with lending, they bring it to Andrew because he already understands their world.

A commercial litigator recognized as "One to Watch" by *Best Lawyers*, Andrew routinely defends clients in complex and class action litigation in federal and state courts. His experience includes actions against securitization trusts and trustees, including those involving collection practices and dischargeability of loans in bankruptcy, as well as repurchase and representations-and-warranties disputes. He has obtained dismissals in class actions and multidistrict litigations brought against loan servicers and has tried cases to judgment. Andrew also routinely defends lenders and servicers against claims under the Racketeer Influenced and Corrupt Organizations Act (RICO) and the Fair Debt Collection Practices Act (FDCPA), as well as claims under the consumer protection laws of almost every state.

For many of his clients, litigation risk and regulatory risk arrive together. Andrew handles both. He counsels and defends financial services clients in state and federal civil and criminal investigations, including before the Department of Justice (DOJ) and U.S. attorney's offices, and has guided clients through congressional investigations. He also represents clients facing scrutiny from the Federal Trade Commission (FTC), the Small Business Administration (SBA), the New York Department of Financial Services, and other state and federal agencies.

Andrew's practice has a particular focus on commercial lending; his clients are often institutions that cater to businesses rather than consumers. And his knowledge of how these institutions work and the sophisticated legal challenges they face runs deep. Years of representing financial services companies that provide financing solutions to small businesses have given him firsthand understanding of how these companies operate and the regulatory and litigation pressures specific to them.

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REPRESENTATIVE MATTERS

- Representing student loan trusts in putative class actions alleging improper collection and litigation tactics.
- Representing student loan trusts in putative class actions seeking classwide discharge of certain categories of student loans.
- Represented a nonbank lender in multidistrict litigation brought by alleged Paycheck Protection Program (PPP) referral agents seeking fees under the CARES Act.
- Representing a nonbank lender against “negligent lending” and related claims brought by PPP loan applicants, including judgment after trial in lender’s favor.
- Representing a national mortgage loan servicer as a third-party defendant arising out of first-party repurchase litigations commenced against the sponsor of residential mortgage-backed securities (RMBS) securitizations.
- Representing a trustee in RMBS litigation based on allegations relating to the termination of the RMBS trusts.
- Representing a loan servicer in a putative class action alleging violations of RICO, FDCPA, and state consumer protection laws based on purported improper fees charged for property inspections.
- Achieved dismissal of claims against a loan servicer in a putative class action alleging that property-inspection fees for FHA-insured loans violated HUD requirements.
- Representing a nonbank lender in investigations by various government agencies, the U.S. Senate, and U.S. House of Representatives relating to lending practices during the PPP.
- Representing a nonbank lender in federal agency investigations relating to compliance with the Anti-Money Laundering and Bank Secrecy Acts.
- Representing a nonbank lender in DTSA action concerning the exfiltration of protected trade secret information.
- Obtained dismissal of all claims against a national law firm in a putative class action alleging improper calculation of interest awards in underlying litigations.
- Served as trial counsel to Congressional candidate in New York state court redistricting litigation.
- Representing pro bono U.S. Navy veteran in obtaining upgrade of military discharge status.

AWARDS

- *The Best Lawyers in America®: Ones to Watch:* Commercial Litigation (2024-2027)
- *Super Lawyers*® New York Metro, Rising Star, Business Litigation (2020-2023)

TOP AREAS OF FOCUS

- Anti-Money Laundering
- Class Action
- Consumer Financial Protection Bureau (CFPB)
- Financial Services Litigation
- Government + Regulatory
- Securitization + Structured Finance

ALL AREAS OF FOCUS

- Anti-Money Laundering
- Class Action
- Consumer Financial Protection Bureau (CFPB)
- Financial Services Litigation

- Government + Regulatory
- Litigation + Trial
- Securitization + Structured Finance
- White Collar Litigation + Investigations

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Crohn's & Colitis Foundation of America
- Chair, Recreation Commission, Town of Westfield, NJ

EDUCATION AND CERTIFICATIONS

EDUCATION

- Brooklyn Law School, J.D., *magna cum laude*, 2016, notes and comments editor, *Brooklyn Journal of Law and Policy*; member, Moot Court Honor Society
- University of Maryland, College Park, B.A., 2013, government and politics

BAR ADMISSIONS

- New York
- New Jersey

COURT ADMISSIONS

- U.S. District Court, Southern District of New York
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of New York

PUBLICATIONS

- Co-author, "*In re Kossoff PLLC*: Takeaways for SMB Lenders and Funders," *Troutman Pepper Locke*, August 27, 2026
- Co-author, "Supreme Court Resolves Circuit Split and Decides CFPB's Funding Structure Is Constitutional," Locke Lord QuickStudy, May 21, 2024.
- Co-author, "How the Circuit Split Over CFPB Funding May Play Out," *Law360*, May 1, 2023.
- Co-author, "Second Circuit Decides CFPB Funding Structure Is Constitutional, Setting Up Circuit Split for Supreme Court," Locke Lord QuickStudy, April 6, 2023.
- Co-author, "The State of New York Courts During COVID-19, Revisited," Locke Lord QuickStudy, May 17, 2021.
- Co-author, "Ready or Not, Here It Comes: Litigation and Enforcement Issues Under The California Privacy Rights Act," Locke Lord QuickStudy, February 12, 2021.
- Co-author, "The State of New York Courts During COVID-19, Continued," Locke Lord QuickStudy, June 2, 2020.
- Co-author, "The State of New York Courts During COVID-19, Continued," Locke Lord QuickStudy, May 12, 2020.
- Co-author, "The State of New York Courts During COVID-19, Continued," Locke Lord QuickStudy, April 21,

2020.

- Co-author, “The State of New York Courts During COVID-19,” Locke Lord QuickStudy, April 14, 2020.