

David Asbury

Associate

Virginia Beach

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David handles critical debt collection litigation matters with a keen understanding of his clients' business goals. Particularly experienced in the loan servicing industry, David helps clients pinpoint problems, avoiding costly litigation whenever possible and vigorously defending litigation when necessary.

OVERVIEW

David is an associate in the Financial Services Litigation practice, where he represents clients in consumer law, business disputes and commercial litigation in both federal and state courts.

Specifically, David focuses on defending against claims arising under the Fair Credit Reporting Act, the Fair Debt Collection Practices Act (FDCPA), the Telephone Consumer Protection Act (TCPA), the Truth in Lending Act (TILA) and the West Virginia Consumer Credit and Protection Act (WVCCPA).

David graduated from Wake Forest University School of Law, where he participated in the Litigation Clinic and as a staff member of the *Wake Forest Journal of Law and Policy*. While at Wake Forest, David was actively engaged in trial advocacy. In 2015, David was named champion of the Cynthia Zelif Mock Trial Competition.

REPRESENTATIVE MATTERS

- Regularly counsels mortgage loan servicers on a variety of loan servicing and origination issues related to borrowers' claims of negligence, fraud, unconscionable inducement, Outrage, and WVCCPA and FDCPA violations.
- Represented the defendant in *Aliff v. Bank of America*, in which the judge granted dismissal in the defendant's favor where the plaintiff alleged violations of the TILA.
- Obtained a favorable summary judgment in *Shekey v. Ocwen Financial Corp.*, where the plaintiff alleged violations of the WVCCPA. This case created favorable precedent in an otherwise problematic jurisdiction.
- Providing a mortgage loan servicer with accounting advice regarding future servicing and internal accounting to avoid future exposure under the WVCCPA and accusations of misrepresentation in loan servicing.
- Provided general legal and strategic analysis of amendments to the WVCCPA regarding a loan servicer's right to cure alleged violations as a prerequisite for filing a complaint.

AWARDS

- Champion, 2015 Cynthia Zelif Mock Trial Competition

TOP AREAS OF FOCUS

- Consumer Financial Services
- Financial Services Litigation

ALL AREAS OF FOCUS

- Consumer Financial Services
- Financial Services
- Financial Services Litigation
- Litigation + Trial

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Volunteer, Angioma Alliance

EDUCATION AND CERTIFICATIONS

EDUCATION

- Wake Forest University School of Law, J.D., 2015
- Old Dominion University, B.A., 2012

BAR ADMISSIONS

- Virginia
- West Virginia

SPEAKING ENGAGEMENTS

- Presenter, "Life as a New Attorney in Big Law," *Old Dominion University Pre-Law Association*, Feb. 2, 2017.

PUBLICATIONS

- Co-author, "2019 Consumer Financial Services Year in Review & A Look Ahead," *Troutman Sanders*, February 24, 2020.