

David E. Fialkow

Partner

Boston

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OVERVIEW

David represents clients in the financial services sector in disputes involving commercial and consumer finance products and services. He also advises clients on regulatory compliance.

On the commercial side, David represents lenders, servicers, and special servicers in lender and servicer liability actions and other disputes in state and federal courts. Additionally, he partners with the firm's restructuring and insolvency practice to advise clients on risk mitigation, default, cash management, workouts, loan servicing, and other issues and disputes.

David's consumer work is focused on representing national banks, mortgage servicers, lenders, and other clients in consumer financial services disputes. He resolves litigation, arbitrations, administrative proceedings, appeals, and other disputes in connection with claims arising from state and federal law. David's experience spans cases involving loan origination, loan servicing, mortgage servicing, credit cards, auto loans, alternative lending products, student loans, debt collection, credit reporting, unfair and deceptive trade practices, and a range of other consumer finance laws.

As a litigator with a broad practice, David also represents corporate and individual clients in commercial and personal disputes involving a variety of issues, including contract disputes, competition, fiduciary duties, real property, and unfair trade practices.

TOP AREAS OF FOCUS

- Bankruptcy + Restructuring
- Class Action
- Commercial Mortgage-Backed Securities Special Servicing
- Financial Services Litigation
- Securitization + Structured Finance

EDUCATION AND CERTIFICATIONS

EDUCATION

- Suffolk University Law School, J.D., *summa cum laude*, 2006, note editor, *Suffolk University Law Review*
- Florida State University, B.S., *magna cum laude*, 2002

BAR ADMISSIONS

- Massachusetts
- New York
- Rhode Island

COURT ADMISSIONS

- U.S. Court of Appeals, First Circuit
- U.S. District Court, District of Massachusetts
- U.S. District Court, District of Rhode Island
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York
- U.S. District Court, Western District of Wisconsin

PUBLICATIONS

- “The Growing Trend of Revenue-Based Financing and Its Legal Implications,” *The Banking Law Journal*, February 2023.
- “Third Time Is the Charm: Eleventh Circuit Allows Creditor’s Use of Commercial Mail Vendor,” *The Banking Law Journal*, January 2023.
- “ABA Business Law Section’s Review of Developments in Business and Corporate Litigation (Chapters on Class Actions),” 2010-2014.
- “The Trend Toward Using The Risk-Utility Test,” *Law360*, 2010.
- “The Media’s First Amendment Rights and The Rape Victim’s Right to Privacy: Where Does One Right End and The Other Begin?,” *39 Suffolk U. L. Rev.* 745, 2006.