Justin D. Balser

Partner

Orange County

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Justin litigates federal and state consumer lending matters and works with regulatory agencies in investigating fraud and compliance issues. A strategic thinker, he leverages his in-depth experience in the mortgage, loan, and service industries for the benefit of his clients.

OVERVIEW

Justin is a partner in the firm's Consumer Financial Services practice with experience as legal counsel in the mortgage origination and servicing industry. He works with financial institutions, mortgage lenders, loan servicers, and other credit-related entities throughout the U.S. on consumer finance litigation and compliance matters.

Justin litigates federal and state consumer lending claims, loan repurchase, and mortgage fraud matters, and works with state and federal regulatory agencies in investigating mortgage fraud and related issues. He also advises on operational compliance and regulatory issues and implementation of remediation strategies.

Prior to joining the firm, Justin served as legal counsel and advisor to senior management at Lehman Brothers' mortgage subsidiary, Aurora Loan Services LLC and its affiliated companies. He was responsible for Lehman's epurchase litigation portfolio and negotiated multimillion-dollar recoveries from loan sellers and mortgage brokers on claims of fraud and other commercial issues while managing counterparty risk and regulatory issues. He managed hundreds of loan repurchase and loan servicing litigation matters nationwide, and managed a claim portfolio in excess of $1 billion as a creditor in numerous bankruptcy actions. In prior work, Justin successfully represented mortgage companies, loan servicers, and commercial clients in litigation throughout federal and state courts in Arizona, California, Colorado, Oregon, Washington, and Wisconsin.

REPRESENTATIVE MATTERS

- Represented a mortgage loan servicer as lead putative class trial and appellate counsel in first impression review of California Civil Code section 2923.5.
- Represented a mortgage loan servicer as lead putative class trial counsel over negligence and loan modification claims under California law.
- Obtained summary judgment reversal for a lender in Arizona Court of Appeals and Arizona Supreme Court, creating new law on automatic loan acceleration and Arizona's statute of limitations for debt collection. (*Bridges v. Nationstar Mortgage, LLC*, 481 P.3d 701 (Ariz. App. 2021); *Bridges v. Nationstar Mortgage LLC*, ___ P.3d ___, 2022 WL 3905320 (Ariz. 2022))

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- Represented a national mortgage loan servicer in Hawaii over prior servicer record integration and foreclosure standing requirements.
- Represented a mortgage-backed securitization trustee and mortgage loan servicer in defense of first Colorado and 10th Circuit Truth-in-Lending Act rescission case post-*Jesinoski v. Countrywide*.
- Represented a national mortgage loan servicer in Washington involving filed rate doctrine application to intermediaries.
- Represented a mortgage loan servicer in a challenge to constitutionality of Colorado's foreclosure statutes.
- Represented a secondary mortgage market participant in repurchase and indemnity claims concerning loan sale breaches and in trade secret and copyright prosecution.
- Represented a mortgage lender in a loan officer employment and post-termination dispute.
- Represented national consumer credit servicing clients in litigation concerning state Homeowner Bill of Rights statutes, FDCPA, TCPA, TILA, and RESPA, and related state statutes and regulations.

TOP AREAS OF FOCUS

- Consumer Financial Services
- Financial Services Litigation
- Mortgage Lending + Servicing

ALL AREAS OF FOCUS

- Banking + Financial Services Regulation
- Class Action
- Consumer Financial Protection Bureau (CFPB)
- Consumer Financial Services
- Fair Credit Reporting Act (FCRA)
- Fair Debt Collection Practices Act (FDCPA)
- Financial Services
- Financial Services Litigation
- Litigation + Trial
- Mortgage Lending + Servicing
- Real Estate Litigation
- Telephone Consumer Protection Act (TCPA)

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Board member, Advocates for Children, a Court Appointed Special Advocates (CASA) organization
- Board member, Colorado Lawyers Committee
- Member, Douglas County Bar Association

PROFESSIONAL EXPERIENCE

- Vice president and counsel, Lehman Brothers/Aurora Loan Services LLC

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EDUCATION AND CERTIFICATIONS

EDUCATION

- Whittier Law School, J.D., 2000
- University of California, Santa Barbara, B.A., 1997

BAR ADMISSIONS

- Arizona
- California
- Colorado
- Oregon
- Washington
- Wisconsin

COURT ADMISSIONS

- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, District of Arizona
- U.S. District Court, Eastern District of Arkansas
- U.S. District Court, Western District of Arkansas
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, District of Colorado
- U.S. District Court, District of Nebraska
- U.S. District Court, District of Oregon
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- U.S. District Court, Western District of Washington
- U.S. District Court, Eastern District of Washington
- U.S. District Court, District of North Dakota

SPEAKING ENGAGEMENTS

- Speaker, “Lender and Investor Strategies for Handling Repurchase Requests,” Preventing, Detecting and Resolving Mortgage Fraud Conference, Scottsdale, AZ, September 2008.

PUBLICATIONS

- Co-author, “Colo. Bankruptcy Ruling Clarifies Debt Collection Rules,” *Law360*, May 10, 2023.
- Co-author, “Arizona Supreme Court Rules Recording a Notice of Sale Does Not Trigger Final Statute of Limitations Period to Collect Debt,” *Troutman Pepper*, September 2, 2022.