

BUCKLEY

Appellate Practice

Appellate law demands highly specific and finely honed written and oral advocacy abilities, which are often distinct from, and yet, complimentary to, litigation and trial skills. Our combination of these skills makes Buckley the right choice for appellate counsel. Whether we are safeguarding a hard-fought victory or reversing an unfavorable ruling, our attorneys consistently deliver at the highest level throughout the appellate process.

Buckley represents financial institutions, corporations, individuals, and financial services organizations in a broad range of appellate matters, with a particular emphasis on appeals involving the financial services industry and white collar crime. Our Appellate team has argued — and won — cases in many state and federal circuit appellate courts throughout the country.

Our firm knows first-hand from decades of litigation, trial, and appellate work that the need for appellate counsel begins at the commencement of litigation. No win is secure and no defeat is absolute until the potential for an appeal is properly analyzed. Our Appellate team is involved in strategy development from the early stages of litigation through the appeals process. We are particularly adept at deconstructing the issues that affect an appeal, and are able to resolve difficult issues of record development and preservation to position the case for appeal. We are known for assertive and precise briefs, and for delivering candid appellate advice. Our Appellate team also understands that the right outcome may be defined as a favorable settlement, and we have successfully navigated our clients through such opportunities.

Buckley is also retained for amicus curiae briefs in matters with significant impact on the financial services industry. Amicus briefs can affect and even alter legal policy and the landscape of any given market. The financial services industry, in particular, recognizes the critical nature of retaining a law firm that can both advocate through amicus briefs and serve as appellate counsel when the need arises.

Noteworthy matters include:

- Represented JP Morgan Chase Bank in an action by plaintiffs seeking to enjoin foreclosures based on assertions of sovereign immunity and indigenous rights; obtained a dismissal of all claims before the District Court, and successfully defended the action before the United States Court of Appeals for the D.C. Circuit, which included cross motions to dismiss the plaintiffs' interlocutory appeal and a petition for a writ of mandamus
- Represented Balboa Insurance Company, Newport Management Corporation, and Meritplan Insurance Company in a putative nationwide class action concerning lender-placed insurance; the firm was successful on

an interlocutory appeal to the Second Circuit, which reversed the district court's decision and remanded the case for dismissal

- Filed an amicus brief on behalf of the Mortgage Bankers Association, the National Association of Home Builders, and the National Association of REALTORS® in the Supreme Court case addressing the appropriate remedy should the Court find the Consumer Financial Protection Bureau's structure unconstitutional. *Seila Law LLC v. Consumer Fin. Prot. Bureau*, No. 19-7., *cert. granted*, WL 5281290 (Oct. 18, 2019)
- Represented Nationstar Mortgage, LLC in a case involving breach of contract claims by an investment manager for institutional investors; obtained a dismissal of the case in the United States District Court for the Southern District of New York and affirmance of that decision by the Second Circuit
- Represented QBE FIRST in a putative nationwide class action concerning lender-placed insurance; the firm successfully defended against a Rule 23(f) petition to appeal a denial of class certification and settled on an individual basis
- Filed an amicus curiae brief in *PHH v. CFPB*, the first administrative decision by the CFPB Director to come up for appeal before the District of Columbia Circuit; Buckley attorneys argued that the CFPB Director's decision to ignore the longstanding interpretation of Section 8 of the Real Estate Settlement Procedures Act (RESPA) would eliminate an important form of risk retention, make the home mortgage closing process more difficult and expensive for consumers, and particularly harm the country's least affluent mortgage borrowers
- Represented individual clients in a foreign criminal prosecution for alleged privacy violations, from trial through appeal over a five-year period, resulting in full acquittals before the Italian Supreme Court

News & Blogs

- Supreme Court to review TCPA debt collection exemption
- 6th Circuit affirms dismissal of FDCPA action for lack of standing
- 7th Circuit: Debt collector accurately disclosed creditor to be paid
- 9th Circuit affirms FDCPA decision in favor of debt collector

- 9th Circuit affirms no jurisdiction without exhaustion of administrative remedies
- \$24 million settlement proposed in FCRA class action against credit reporting agency
- California Court of Appeal: Borrowers allowed opportunity to cure default on missed loan modification payments
- 9th Circuit: Student loan guaranty agency is not a debt collector under FDCPA
- FTC asks Supreme Court to delay review of \$1.3 billion judgment
- Written request for HAMP assistance resets foreclosures limitations

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