

Barbara Fernandez

Miami, FL

She/Her

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About Barbara

Barbara is a skilled litigator who defends banks, loan servicers, and other financial companies in consumer and class action litigation in state and federal courts. She has extensive experience handling claims under the Fair Debt Collection Practices Act (FDCPA), Fair Credit Reporting Act (FCRA), Florida Consumer Collection Practices Act, Telephone Consumer Protection Act (TCPA), and the Florida Deceptive and Unfair Trade Practices Act.

Barbara also defends mortgage servicers, lenders, investors, and trustees of securitized mortgage trusts in disputes involving the origination, transfer, and servicing of residential and commercial loans, including allegations of predatory lending, mortgage fraud, consumer protection violations, and challenges to foreclosure rights.

Barbara's Affiliations

- American Bar Association
- American Collector's Association, Members Attorney Program
- Cuban American Bar Association
- Dade County Defense Bar Association, Board Trustee; Past President (three terms)
- The Florida Bar, Young Lawyers Division, Law Student Division Mentoring Program, Volunteer
- Hispanic National Bar Association
- National Association of Women Lawyers (NAWL), Next Level Affinity Group, Co-Chair; Annual Meeting Planning Committee

Areas of Focus

- Industries:** Banking & Financial Institutions; Consumer Financial Services; Financial Services; Mortgage Lending & Servicing
- Services:** Complex Commercial Litigation ; Consumer & Class Action Defense; Fair Credit Reporting Act (FCRA); Fair Debt Collection Practices Act (FDCPA); Financial Services Litigation ; Financial Services Regulatory & Compliance; Litigation & Trial; Mortgage Lending & Servicing Litigation ; Regulatory & Compliance ; Telephone Consumer Protection Act (TCPA)
- Initiatives:** International Law & Alliances; Nationwide Litigation Portfolio Management

Experience

- Secured a defense verdict in Florida for a client accused of forgery and Truth in Lending Act (TILA) violation, with the court ruling that the claim was time-barred, forgery was irrelevant, and amendment futile. The appeal was rejected in May 2024.
- In a matter of first impression, the court held that, under Florida law, a consumer does not have a private cause of action against a debt collection agency under Fla. Stat. §559.72(9) for its alleged failure to maintain a registration with the state of Florida. *Conner v. BCC Financial Management Services, Inc.*, 489 F.Supp.2d 1358 (S.D. Fla. 2007).
- Secured a victory for a student loan servicer in a TCPA lawsuit, winning summary judgment in the Southern District of Florida and successfully defending the ruling on appeal to the US Court of Appeals for the Eleventh Circuit. The court followed the Second Circuit's lead in *Reyes v. Lincoln Automotive Fin. Servs.*, holding that consent given as "bargained-for consideration in a bilateral contract" cannot be unilaterally revoked.
- Obtained summary judgment in defense of debt buyer. The court ruled that the buyer reasonably relied on the electronic records from the creditor and conducted a reasonable investigation into the debtor's dispute, thus not violating the Fair Credit Reporting Act (FCRA), 15 U.S.C. §1681. (Lead counsel, M.D. Fla. 2015).
- Secured summary judgment for defendant debt collector in a TCPA lawsuit. The court found that was no violation of the TCPA, 47 U.S.C.A. § 227(b)(1)(A) because the consumer had given express consent to automated collection calls as a condition of her purchase from an underlying creditor. *Jordan v. ER Solutions, Inc.*, 10-62409-CIV, 2012 WL 5245384 (S.D. Fla. Oct. 18, 2012).
- Won summary judgment for a debt collector in a FDCPA action and successfully had sanctions imposed against the debtor's counsel for pursuing meritless claims in bad faith. (Co-counsel, S.D. Florida).
- Successfully compelled arbitration and secured dismissal of the plaintiff's case, with the court ruling that FDCPA claims are not exempt from arbitration. *Bolanos v. First Investors Servicing Corp.*, 2010 WL 4457347 (S.D. Fla. Oct. 29, 2010).

- Secured a 60 percent reduction in the plaintiff's attorney's fees and costs under the FDCPA after the court found that the attorney wasted time seeking additional equitable relief precluded by case law. *Valencia v. Affiliated Group, Inc.*, 2009 WL 4893113 (S.D. Fla. September 21, 2009).
- Represented a debt collection agency and obtained a ruling that it did not have sufficient minimum contacts with Florida to permit the district court to exercise personal jurisdiction under the FDCPA, despite having a Florida license. *Keston v. Firstcollect, Inc.*, 2007 WL 4225593 (S.D. Fla. October 31, 2007).
- Achieved dismissal with prejudice in a Truth in Lending Act (TILA) case, with the court ruling that our bank client was required under TILA to send account statements to consumers regardless of whether they have legal representation and that the email communication did not exceed TILA requirements or constitute debt collection communication.

Recognition

- Miami-Dade Florida Association for Women Lawyers (MDFAWL), Impact Awards "Women of Distinction," 2025
- *South Florida Business Journal*, Power Leaders in Law & Accounting, 2025; Influential Business Woman, 2021; 40 Under 40, 2012
- *Florida Trend Magazine*, Florida 500™: Florida's Most Influential Business Leaders, 2024; Florida Legal Elite, Most Notable Women in Law, 2023
- Coral Gables Chamber of Commerce, Businesswoman of the Year, Corporate Leader, 2021
- Cystic Fibrosis Foundation, 40 Under 40 Outstanding Lawyers of South Florida Award, August 2014
- *Daily Business Review*, Rising Stars, 2013
- *Diversity MBA Magazine*, Top 100 Under 50 Diverse Executive & Emerging Leaders, 2013
- University of Miami School of Law, Hispanic Law Student Association, Vice President; *Miami Entertainment and Sports Law Review*, Member

Credentials

Education

University of Miami School of Law, JD, 2001

Florida International University, BS, *cum laude*, 1997

Bar Admissions

Florida

Court Admissions

US Supreme Court

US Court of Appeals for the Eleventh Circuit

US District Court for the Middle District of Florida

US District Court for the Northern District of Florida

US District Court for the Southern District of Florida

Languages

Spanish

Interests

Did you know...

Despite living in warm and sunny Florida, Barbara's favorite escape is to the mountains for skiing.

Community/Civic Activities

- Coral Gables Preparatory Academy, Silent Auction Committee, 2016 – 2017
- Lawyers for Children America, Volunteer

Thought Leadership

Presentations

- Panelist, "Power Moves: Women Driving Business Development and Origination Panel and Cocktail Reception," Miami, Florida, April 1, 2025
- "Defending FDCPA Claims Based on Collection Letters," Lorman Education Services, Webinar, October 26, 2017
- "Top FDCPA Violations all Collectors Must be Aware Of," Lorman Education Services, Webinar, March 23, 2017
- "Top 10 TCPA Violations: Prevention and Defenses," Lorman Education Services, Webinar, June 2016
- Ethical Governance Day 2014, Commission on Ethics & Public Trust, Miami-Dade County, October 2014
- "Defending FDCPA Claims Based On Collection Letters," Lorman Education Services, Live Seminar, August 2014
- "Defending FDCPA Claims Arising From Collection Letters," Lorman Education Services, Audio Conference, August 2013
- "An Introduction to Consumer Protection Laws," Choice Legal Group, P.A., Ft. Lauderdale, Florida, May 2013
- "Defending FDCPA Claims Arising From Collection Letters," Lorman Education Services, Audio Conference, February 2013
- "Protecting the Integrity and Security of Neuropsychological Examinations," Dade County Defense Bar Association, Miami, Florida, November 2007
- "Vicarious Liability in Florida Regarding the Use of Motor Vehicles," Sedgwick Claims Management, Troy, Michigan, July 2004

Blog Posts

- Eleventh Circuit Orders En Banc Rehearing of Hunstein Case and Vacates Opinion, Nov 17, 2021
- In TransUnion LLC v. Ramirez, U.S. Supreme Court Holds "No Harm, No Foul", Jun 28, 2021
- Circuit Split Created as Eleventh and Seventh Circuits Narrowly Interpret Definition of Auto-Dialer Under the TCPA, Feb 27, 2020

- Congress Takes a Significant Step Towards Replacing Dodd-Frank and Gutting the CFPB, Jun 9, 2017
- Supreme Court Watch: Debt Collector Filing Bankruptcy Proof of Claim for Time-Barred Debt Avoids FDCPA Liability, May 17, 2017

Events

- Mortgage Bankers Association's Legal Issues and Regulatory Compliance Conference 2022, May 23, 2022
- Mortgage Bankers Association's Legal Issues and Regulatory Compliance Conference, May 6, 2019
- Barbara Fernandez and Concepcion Montoya to Present Lorman Webinar about Defending FDCPA Claims Involving Collection Letters, Oct 26, 2017
- Barbara Fernandez and Concepcion Montoya to Present Webinar on Top FDCPA Violations all Collectors Must be Aware Of, Mar 23, 2017
- Barbara Fernandez and Concepcion Montoya to Present Webinar on Common Violations of the TCPA, Jun 28, 2016

Hinshaw Alerts

- United States Seeks 'At Will' Removal of CFPB Director, Mar 21, 2017
- Three Things You Missed Since CFPB Received En Banc Hearing in PHH Case, Mar 16, 2017
- Mere Receipt Of A Collection Letter – Without More – Does Not Give Standing to Sue, Jan 9, 2017
- Florida's Highest Court Says Each Default Resets Statute of Limitations for Foreclosure Actions, Nov 4, 2016
- Supreme Court Provides a Narrow Win for Defendant—With Chance for More—On “Actual Injury” Issue, May 16, 2016

Hinshaw Newsletters

- Consumer Financial Services Newsletter - March 2017 Edition, Mar 16, 2017
- Consumer Financial Services Newsletter - February 2017 Edition, Feb 13, 2017
- Consumer Financial Services Newsletter - December 2016 Edition, Dec 21, 2016
- Consumer Financial Services Newsletter - November 2016 Edition, Nov 22, 2016
- Consumer Financial Services Newsletter - October 2016 Edition, Oct 28, 2016

In The News

- Miami Office Partner-in-Charge Barbara Fernandez Reflects on Hinshaw's Successful Relocation to The Plaza Coral Gables, Mar 3, 2025
- Law360 Interviews Miami Office Partner-in-Charge About the New Coral Gables Location at The Plaza, Apr 8, 2024
- Law360 2024 Preview: Barbara Fernandez Anticipates Additional Client Service Opportunities in South Florida, Jan 2, 2024

- Miami Office Partner-in-Charge Barbara Fernandez Discusses Benefits and Opportunities of Scheduled Office Relocation to The Plaza Coral Gables, Nov 16, 2023
- Leading the Way Q&A: Hinshaw Partner Barbara Fernandez on Managing Growth Amid Uncertainty, Jan 11, 2022

Press Releases

- Barbara Fernandez and Andrew Gordon Named 2025 Power Leaders in Law & Accounting, Jun 20, 2025
- Barbara Fernandez Honored as One of Ten Women of Distinction by MDFAWL in 2025, Feb 6, 2025
- Barbara Fernandez Selected as One of Florida Legal Elite's 2024 Most Notable Women Leaders in Law, Dec 6, 2024
- Barbara Fernandez Selected for Inclusion in the 2024 Florida 500™ Edition of Florida's Most Influential Business Leaders, Oct 25, 2024
- Hinshaw Announces Miami Office Move to The Plaza in Coral Gables, Mar 4, 2024

[*View all of Barbara's Insights*](#)