

Samuel C. Bodurtha

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About Sam

Sam defends mortgage lenders, servicers, and investors in individual and class action claims involving residential mortgage loan origination, transfers and assignments, foreclosure and eviction proceedings. He handles cases arising from allegations of mortgage origination misconduct, servicing errors, and violations of consumer protection statutes, including the Truth in Lending Act (TILA), Fair Debt Collection Practices Act (FDCPA), Telephone Consumer Protection Act (TCPA), Real Estate Settlement Procedures Act (RESPA), Home Ownership and Equity Protection Act (HOEPA), Homeowners Protection Act (HPA), and Fair Credit Reporting Act (FCRA).

He also represents lenders, servicers, and their agents in municipal tax sales and redemptions, title clearing actions, code violation proceedings, and property receivership defense.

Sam's Affiliations

- Mortgage Bankers Association
- Rhode Island Bar Association

Areas of Focus

Industries: Consumer Financial Services; Financial Services; Mortgage Lending & Servicing

Services: Consumer & Class Action Defense; Fair Credit Reporting Act (FCRA);
Fair Debt Collection Practices Act (FDCPA); Financial Services Litigation ;
Litigation & Trial; Mortgage Lending & Servicing Litigation ;
Telephone Consumer Protection Act (TCPA)

Experience

Class Action and Consolidated Lawsuit Defense:

- Defeated a motion for class certification in a Massachusetts federal court class action suit challenge pre-foreclosure notices on grounds that individual damages arising from an alleged defective foreclosure outweighed and overwhelmed any common question of law.
- Obtained dismissal of a RESPA class action lawsuit filed in Massachusetts federal court on lack of actual damages and no factual basis to pursue statutory penalties.
- Obtained dismissal of a class action lawsuit filed in Rhode Island federal court alleging due process violations in the pursuit of statutory power of sale foreclosures in the State of Rhode Island.
- Obtained dismissal of a class action complaint filed in Rhode Island federal court under the Homeowners Protection Act (HPOA) on the grounds that HPOA disclosure requirements did not extend from the loan originator or apply to a subsequent holder and assignee of the mortgage loan.
- Obtained dissolution of an automatic injunction of foreclosure and eviction actions imposed on all contested foreclosure actions filed in the Rhode Island federal court and reformation of a mandatory settlement program following a successful appeal and mandamus petition filed in the US Court of Appeals for the First Circuit.

Successful Trial Verdicts:

- Secured a plaintiff's verdict following a trial in the Rhode Island federal court for an equitable assignment of mortgage claim after the borrower successfully challenged record title assignment.
- Obtained defense verdict in a California Superior Court case challenging foreclosure and pre-foreclosure loan modification review that included causes of action for fraud, breach of contract, unfair and deceptive trade practices, and violations of the Homeowner Bill of Rights (HBOR).

Amicus Briefs:

- Authored an amicus brief to the First Circuit Court of Appeals and the Massachusetts Supreme Judicial Court in support of overturning a Massachusetts court decision invalidating a foreclosure on a notice of default that strictly complied with the mortgage and with Massachusetts law.
- Authored amicus brief to the Maine Supreme Court in favor of reconsidering a prior court decision that prohibited re-filing judicial foreclosure suits dismissed for lack of standing to sue.

Recognition

- *BTI Consulting*, Client Service All-Stars, 2023
- *New England Super Lawyers*, Rising Star, 2014 – 2017
- Case Western Reserve University School of Law, Dean's Honor List; Paul J. Hergenroeder Award, Excellence in Trial Tactics
- Bowdoin College, Hannibal Hamlin Emery Latin Prize, Excellence in the Study of Classical Latin

Credentials

Education

Case Western Reserve University School of Law, JD, *cum laude*, 2004

Bowdoin College, BA, *cum laude*, 1999

Bar Admissions

Massachusetts

Rhode Island

Court Admissions

US Court of Appeals for the First Circuit

US District Court for the District of Massachusetts

US District Court for the District of Rhode Island

US District Court for the Eastern District of Wisconsin

Thought Leadership

Presentations

- Co-Presenter, "Class Actions in the Mortgage Market," Mortgage Bankers Association, Legal Issues and Regulatory Compliance Conference, San Diego, California, May 16, 2025
- Panelist, "The Pitfalls of Foreclosure Delay: Statute of Limitations Defense and Property Preservation," Hinshaw's Peer-to-Peer Financial Services Forum: The Frontlines of Mortgage Servicing, Virtual Event, March 30, 2021
- "Legal Ethics: Top Mistakes that Lead to Malpractice," National Business Institute Seminar, Providence, Rhode Island, June 2018
- "Professionalism in the Workplace," Roger Williams University School of Law, Bristol, Rhode Island, March 2018

Publications

- Chapter Co-Author, "Rhode Island," American Bar Association's *50-State Survey of Legal Malpractice Law*

Blog Posts

- Maine Supreme Court Revisits Reverses its Controversial 2017 One-and-Done Foreclosure Decision, Jan 16, 2024
- Rhode Island Supreme Court Continues to Strictly Interpret “Clear and Unforgiving” Statutory Language Regarding Court-Approved Redemptions from Tax Sale Proceedings, Sep 26, 2023
- Sixth Circuit Applies Recent SCOTUS Tax-Taking Decision to Affirm an Owner’s Right to Net Tax Lien Foreclosure Proceeds, Sep 11, 2023
- SCOTUS Finds that Minnesota Tax Lien Statute Violates the Fifth Amendment’s Takings Clause, Jun 1, 2023
- Rhode Island Federal Court Concludes FDCPA Lawsuit is Barred by the Doctrine of Claim-Splitting, Jan 18, 2023

Events

- Hinshaw Partners Present at Firm-Sponsored Mortgage Bankers Association’s Legal Issues and Regulatory Compliance Conference, May 14, 2025
- 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

Hinshaw Newsletters

- Consumer Financial Services Newsletter - June 2016 Edition, Jun 30, 2016
- Consumer & Class Action Litigation Newsletter - January 2016 Edition, Jan 29, 2016
- Consumer & Class Action Litigation Newsletter - September 2015 Edition, Sep 29, 2015
- Consumer & Class Action Litigation Newsletter - July 2015 Edition, Jul 20, 2015
- Consumer & Class Action Litigation Newsletter - April 2015 Edition, Apr 30, 2015

Press Releases

- Samuel Bodurtha and April Villaverde Recognized as 2023 Client Service All-Stars by BTI Consulting, Jun 13, 2023
- Hinshaw Partner Hale Yazicioglu Lake Named a Boston Business Journal 2018 40 Under 40 Honoree, Aug 30, 2018
- Hinshaw & Culbertson Relocates Boston Office, Jun 25, 2018
- Hinshaw Announces Consumer Crossroads, a New Consumer Financial Services Blog, Apr 24, 2017
- Hinshaw Obtains \$1.2 Million Judgment for Unpaid Immigrant Housekeeper, Jan 4, 2013

Webinar

- Peer-to-Peer Financial Services Forum: The Frontlines of Mortgage Servicing, Mar 30, 2021

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