

Robert D. Bailey

New York, NY

Iselin, NJ

He/Him

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About Robert

Robert has broad-based appellate and trial court experience representing banking institutions, mortgage lenders and servicers, and trusts in contested foreclosures, bankruptcy proceedings, title claims, and contract litigation. He also defends clients facing claims brought under Real Estate Settlements Procedures Act (RESPA), Truth in Lending Act (TILA), Fair Credit Reporting Act (FCRA), Fair Debt Collection Practices Act (FDCPA), Telephone Consumer Protection Act (TCPA), and state statutes concerning wrongful foreclosure, mortgage servicing claims, and debt collection.

Robert also advises his clients in banking and finance on regulatory compliance matters and handles appeals, mediation, and arbitration.

In addition, Robert has extensive litigation experience in insurance defense matters, including defending attorneys, insurance agents, and brokers in professional liability matters.

Previously, Robert represented financial institutions in state and federal courts in New Jersey and New York.

Robert's Affiliations

- New Jersey State Bar Association
- Somerset County Bar Association

Areas of Focus

Industries: Banking & Financial Institutions; Consumer Financial Services; Financial Services; Mortgage Lending & Servicing ; Professional Services

Services: Alternative Dispute Resolution (ADR); Appellate; 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 ; Real Estate Transactions & Lending; Regulatory & Compliance ; Telephone Consumer Protection Act (TCPA); White Collar Defense, Investigations & Enforcement

Experience

- Represented national mortgage servicer on appeal before the New Jersey Appellate Division. A condominium association argued that a lender's assignee that took possession of a condominium unit and thereafter winterized the unit and changed the locks was a "mortgagee in possession" of that unit, responsible for the payment of condominium fees and assessments. The Appellate Division rejected this theory, determining that these discrete actions were not sufficient to render the lender's assignee a mortgage in possession.

Recognition

- Boston College Law School, The Wendell F. Grimes Moot Court Competition, Best Brief Award; *Uniform Commercial Code Reporter-Digest*, Executive Editor

Credentials

Education

Boston College Law School, JD, 2004

Boston College, MBA, 2004

Massachusetts College of Art and Design, BFA, 1994

Bar Admissions

New Jersey

New York

Court Admissions

US Court of Appeals for the Second Circuit

US Court of Appeals for the Third Circuit

US District Court for the District of New Jersey

US District Court for the Eastern District of New York

US District Court for the Northern District of New York

US District Court for the Southern District of New York

Interests

Did you know...

Inspired by his family of educators, Robert went to college to become an art teacher. If he were not practicing law, he would most likely be teaching art or serving as an administrator in the education department of an arts or cultural organization.

Community/Civic Activities

- New Jersey Office of Attorney Ethics, District XIII Ethics Committee, Attorney Member
- Gill St. Bernard's School, Mock Trial Attorney Coach
- Kids in Need of Defense (KIND), Volunteer

Thought Leadership

Publications

- "New Jersey's Appellate Division Rejects Foreclosure Defendant's Argument that a Reinstatement Quote is an Enforceable and Binding Settlement Agreement," *The PIB Legal Blog*, April 4, 2019

Press Release

- Hinshaw Expands in Northeast Adding New Jersey Office and Eight Lawyers, Aug 26, 2021