

Robert Maddox Partner

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In the past decade, Robert Maddox handled more national/multi-state state attorneys general investigations and related consent judgments than any attorney in the United States.

His work involves representing clients before the CFPB, DOJ, EOUST, OCC, FRB, HUD, SEC and multiple state regulatory agencies, including banking, finance and insurance agencies.

With Bradley's national competitive fee advantage, he continued the firm's representation post-consent judgment on most matters to handle redress of business systems, internal and external reporting, and account remediation – and still provides board training, compliance, and litigation representation to many of those same clients.

Robert stands behind his work product and advice and supports clients through challenging times and then celebrates their business successes.

Crisis Management: Every crisis is relative – relative to a company's history, reputation, current PR environment and regulatory/litigation burden. Reputational matters may have de minimis financial impact but may be more important than multibillion-dollar negotiations. Robert handles both extremes and works with management and legal to be part of many crisis management team solutions.

Once selected to support and suggest strategy to a business in crisis, and then work through the internal pressure, external inquiry, sunrise telephone conferences, late night meetings, 24-hour sessions, regulatory/investor data demands and evolving PR strategies, Robert forms professional bonds and friendships that, thus far, have lasted a lifetime.

Negotiations: From complex commercial real estate transactions to regulatory examinations, Robert's working philosophy is focused on education and overcoming any potential preconceived judgments and misperceptions held by the counterparty. This approach requires a diligence in understanding the client's business and approach to the transaction/issue, then turning to the counterparty with the goal to educate, listen and negotiate a resolution.

Investigations and Fraud Matters: Constructing an investigation protocol, strategy and interim reporting, while being engaged with only limited facts or employee/whistleblower allegations, requires experience and an appreciation of knowing you are already in a professional minefield. The situation is equally challenging in handling a client's matter where there is a suspicion or allegation of fraudulent behavior. Robert is a Certified Fraud Examiner (CFE) who works on both of these types of matters. These are his professional favorites as they are complex, multi-dimensional, real life puzzles that may include internal/external reporting, criminal referral, regulatory or congressional inquiry, and civil litigation.

Consumer Financial Services Compliance and Litigation: His representation of clients is both trial practice and compliance, which leads him to trial and appellate courts in every state/district from Florida to California, and from Washington to Washington, D.C. These cases usually involve multiple causes of action, including TILA, HOEPA, FDCPA, FCRA, RESPA, RICO, predatory lending, mortgage-related fees and services, insurance packing and state deceptive trade practice laws. He is fortunate to be one of a handful of attorneys in the nation who is a Certified Mortgage Banker (CMB), and he utilizes that business background to assist in resolving both regulatory inquiries and litigation matters.

Commercial Real Estate and the Mortgage Industry: Robert litigates most facets of the commercial real estate and mortgage industry, including origination, warehouse lending, pooling and servicing agreements, loan repurchase disputes, investor disputes, secondary market representations and warranties, servicing matters, commercial mortgages, settlement services issues and mortgage fraud. These matters are in various contexts, including pre-litigation complaints by investor and/or borrowers, state agencies and consumer advocacy groups, class action, consumer litigation, and bankruptcy, as well as representing the investor/servicer as plaintiff in seeking recovery for fraud, title insurance coverage, repurchase and contract/commercial disputes.

Robert is a regular speaker at national real estate programs and financial services industry conferences. He is a teacher with the Mortgage Bankers Association (MBA) as a Faculty Fellow on Real Estate Law and Regulatory Compliance at the School of Mortgage Banking (SOMB), Predatory Lending and Mortgage Fraud at the Regulatory Compliance Institute, and Servicing at the State and Local Litigation Conference.

Robert is an adjunct professor at the Cumberland School of Law, where he teaches Real Estate Transfer, Finance and Development and previously taught State Constitutional Law. He also was an adjunct professor at the University of Alabama School of Law from 2001 to 2006 and taught both graduate and undergraduate courses on American, Legal, and Constitutional history at the University of Alabama at Birmingham from 1998 to 2007.

Practices

- Banking & Financial Services
- Financial Services Litigation
- Coronavirus Disease 2019 (COVID-19)
- Real Estate Litigation
- Regulatory Compliance
- Government Enforcement & Investigations
- State Attorneys General & Regulators
- Examinations, CIDs & Subpoenas
- Consumer Financial Protection Bureau (CFPB)
- Approval, Compliance and Enforcement Support for HUD, FHA & GNMA Matters

- Broker-Dealer & Investment Adviser
- Title Insurance Claims & Title Defect Curative
- Bankruptcy Compliance & Consumer Bankruptcy Litigation
- Class Action & Complex Litigation

Education

- Cumberland School of Law at Samford University, J.D., 2000
- University of Alabama at Birmingham, M.A., 1997
- University of Alabama at Birmingham, B.A., 1996
- University of Alabama at Birmingham, B.A., 1995

Licensed In

- Oklahoma
- New York
- Texas
- Tennessee
- District of Columbia
- Georgia
- Alabama

Admitted In

- United States Court of Appeals, 5th Circuit

Accolades

- American College of Mortgage Attorneys, Fellow
- American College of Consumer Financial Services Lawyers, Fellow
- Listed in *The National Law Journal*, Litigation Trailblazer, 2016
- Listed in *Chambers USA*
 - National Ranking, Financial Services Regulation: Banking (Enforcement & Investigations), 2019, 2021
 - Litigation: General Commercial, 2013-2019
- Listed in *Benchmark Litigation*
 - "Local Litigation Star," Alabama, 2015-2021
 - "Future Star," Alabama, 2013-2014
- Listed in *The Best Lawyers in America*[®]
 - Financial Services Regulation Law, 2011-2022
 - Litigation – Banking & Finance, 2011-2022
- Listed in *Birmingham Magazine* "Top Attorneys" Banking, 2015
- *Mortgage Bankers Association*, "Faculty Fellow," 2008
- *October Research*, "National Top 40 Under 40 in Settlement Services," 2007
- Listed in *Birmingham Business Journal*
 - "Best of the Bar," 2021
 - "Top 40 Under 40," 2006
- UAB College of Arts and Sciences Alumni Award, 2016
- Listed in *Mid-South Super Lawyers*
 - Consumer Law, 2018-2020
 - Banking, 2021
- Listed in *B-Metro*, "Top Lawyers," 2019-2020

Professional and Community Activities

- American College of Mortgage Attorneys, Fellow
- American College of Consumer Financial Services Lawyers, Fellow
- Mortgage Bankers Association, Legal Issues and Regulatory Compliance Committee
- Certified Mortgage Bankers Society
- Conference on Consumer Finance Law, Governing Committee
- Pathways: A Woman's Way Home, Board Member, 2006

- UAB Pre-Law Advisory Board, 2003-2007
- UAB National Alumni Society, School of Social and Behavioral Sciences, Board Member, 2006

Representative Experience

- Robert represents financial institutions and mortgage companies across the United States. He has handled matters both at the pre-litigation and initial Complaint filing phase as well as being employed during discovery, to depose expert witnesses and at the pre-trial phase to assist the current counsel. On the compliance side, Robert has worked with both legal and business managers for multiple clients to draft and outline procedures in response to pending or new legislation.
- **United States v. Bank of America, et al., CV No. 12-361 (RMC) (D.D.C. 2012)**
Represented Ally Financial, Inc, Residential Capital, LLC, and GMAC Mortgage in the largest national joint state/federal government settlement in history. The case began with “robo-signing” investigation and then broadened into examination of the mortgage industry. The case involved 49 state attorneys general, 48 state banking departments, the Department of Justice, the Department of Treasury, the Department of Housing and Urban Development, the Consumer Financial Protect Bureau, and the Federal Trade Commission.

GMFS, LLC v. Cenlar, United States District Court, Middle District of Louisiana No. 18-582-BAJ-RLB

This matter revolves around the termination of a business relationship between Cenlar and GMFS, LLC. Cenlar acted as a subservicer for GMFS on a large portfolio of loans, some of which involved borrowers from Louisiana. A few years into Cenlar and GMFS’ business relationship, a major flood occurred in Louisiana, which impacted certain borrowers in the affected areas. Cenlar provided services above and beyond its normal business practices to help with the unfortunate situation; GMFS eventually terminated the subservicing agreement with Cenlar. Pursuant to the terms of the agreement, Cenlar maintained certain fees that it was entitled to keep as part of the termination of the contract.

- GMFS decided, post-termination, that Cenlar breached the agreement and that, along with other allegations and causes of action, meant that Cenlar was not entitled to any fees under the contract, and instead, Cenlar should now pay GMFS for various damages, including costs incurred when GMFS obtained a new subservicer. The team was engaged to represent and defend Cenlar in the subsequent lawsuit that was filed by GMFS. The multimillion-dollar demands and claims have made this a heavily litigated dispute.
- **myCUMortgage, LLC v. Cenlar FSB, Case No. 3:18-cv-00091-(WHR) (S.D. Ohio 2018)**
Represent Cenlar as lead counsel in a matter involving serious allegations by myCUMortgage against Cenlar related to mortgage loan servicing and the transfer of loans for servicing. Over 40,000 mortgage loans are at issue, and it is a significant case because, in the world of mortgage servicing, transfers of this nature occur frequently and the interpretation of the underlying contract (involving an exit fee and the requirements for servicing of loans) is significant for the industry. Bradley is vigorously disputing these allegations, contending that the exit fee was completely proper and the other loan-level claims are either meritless or overstated.
- **United States Trustee Program’s Memorandum of Understanding with Ditech Financial, LLC (2019)**[National Mortgage Servicer Settlements \(justice.gov\)](https://www.justice.gov/national-mortgage-servicer-settlements)
Represent the client in negotiations with the EOUST regarding the company’s failure to properly redact personal information from bankruptcy filings. The project involves review of nearly 180,000 consumer files across different product lines (i.e., mortgage, credit card, auto) and types of bankruptcy cases. We continue to work with the client to evaluate data to determine the relevant population and develop remediation strategy. Following approval of remediation strategy by the EOUST, we will develop a nationwide litigation strategy to obtain bankruptcy court approval and implement corrective actions across all affected bankruptcy jurisdictions (currently more than 90 bankruptcy courts).

Consumer Financial Protection Bureau, et al. v. Ocwen Financial Corporation, et al., No. 13-cv-2025 (D.D.C. 2014)

Represented Ocwen Financial Corporation in a national settlement negotiation related to its mortgage origination and servicing practices. The matter involved lengthy negotiations with various regulators, including the Consumer Financial Protection Bureau, 48 state attorneys general, 48 state financial regulators, and the District of Columbia, which culminated in a client-favorable consent judgment. The consent judgment required Ocwen to comply with over 300 servicing standards and submit to a monitoring regime designed to assess compliance with those standards. Following the negotiation of the consent judgment, Ocwen retained Bradley to help it implement and comply with the servicing standards. This ongoing representation required intensive legal work; several Bradley attorneys essentially worked from Ocwen’s offices for several years and were in constant negotiation with the independent monitor responsible for overseeing consent judgment compliance.

- **United States et al. v. SunTrust Mortgage Inc., No. 14–cv–01028 (D.D.C. 2014)**
Represented SunTrust in a national settlement negotiation related to its mortgage origination and servicing practices. The matter involved substantial negotiations with various regulators, including the CFPB, HUD, the DOJ, 48 state

attorneys general, the Executive Office of the United State Trustee, the Federal Trade Commission, and the Office of Financial Stability. The negotiations culminated in a national mortgage settlement in which SunTrust obtained the release of a variety of claims related to SunTrust's mortgage practices. Following the negotiation, SunTrust retained Bradley to assist with its efforts to implement the substantive provisions of the consent judgment and structure its consent order testing regime. Bradley also represented SunTrust in many of its interactions with the independent monitor responsible for overseeing the settlement.

United States, et al. v. HSBC North America Holdings Inc., et al., No. 16-cv-0199 (D.D.C. 2016)

Represented HSBC in a national settlement negotiation related to its mortgage origination and servicing practices. The matter involved years of negotiations with various regulators, including the CFPB, 48 state attorneys general, the Department of Justice, the Office of Financial Stability, HUD, the Executive Office of the United State Trustee, and the Federal Trade Commission. The negotiations resulted in a client-favorable national mortgage settlement in which HSBC obtained substantial releases related to its mortgage practices. Following the negotiations, HSBC retained Bradley to assist the bank with its ongoing compliance obligations. As part of these efforts, Bradley attorneys represented HSBC in its ongoing interactions with the independent settlement monitor.

Ocwen cease-and-desist orders [State Regulators Issue Cease-and-Desist Orders to Subsidiaries of Ocwen Financial Corp. | CSBS](#)

Represented Ocwen in substantial litigation with a group of over 30 state financial regulators that simultaneously instituted actions to revoke Ocwen's mortgage licenses. Without these licenses, Ocwen would not have been able to continue operating, and the successful revocation of even one license would have likely resulted in Ocwen's inability to operate effectively as a mortgage originator and servicer. Bradley, through litigation and negotiation, was able to successfully resolve each of these threats to Ocwen's ability to operate in a series of client-favorable settlements. These settlements resulted in a minimal financial penalty and some limited ongoing obligations concerning Ocwen's servicing practices.

Edward S. Cohn v. Sonja D. Bates, Case No. 310296v (Circuit Court for Montgomery County, Md. 2009)

Represented servicer in a matter that originally started as a foreclosure action. The underlying borrower notified the State of Maryland, her congressional delegation, and a multitude of legal representatives all of which commented on the litigation and underlying factual disputes. This simple matter morphed into a wrongful foreclosure action with high media attention due to the scrutiny of federal legislation on loan modifications, FHA direction to loan servicers as to loss mitigation efforts, and Maryland's then yet untested new foreclosure legislation. Handled the exceptions to foreclosure hearing, which involved arguments over HUD's mortgagee letters, direct/cross examination in open court with multiple media outlets present in the courtroom. Subsequently, on September 2, 2009, the court ruled in favor of our client, the servicer, on all counts.

- ***Georgia Commercial Stores, Inc. v Chicago Title Insurance Company and Land Title Company of Alabama, CV 08-902869 (Circuit Court of Jefferson County, Ala.)***
Represented the plaintiff in a bad-faith litigation involving a claim made on a title insurance policy wherein the title company failed to disclose or except two previous mortgages of record for the property from coverage. After written discovery and multiple depositions, we were successful in prevailing on summary judgment, wherein the court granted our declaratory judgment and determined a title insurance policy was in place. Furthermore, we were able to defeat the defendants' motion for summary judgment on our negligence, wantonness and bad-faith claim. The case settled favorably after the summary judgment order.
- ***Gortney v. Saxon Mortgage Services, Inc., Adversary Proceeding No. 4:07-07266 (U.S. Bankruptcy Court, W.D. Ark.)***
This is an adversary proceeding alleging violation of the automatic stay, misapplication of payments, improper fees, and violation of the discharge injunction against a mortgage servicer. Originally the plaintiffs sought compensatory, punitive damages and attorney fees in excess of \$1 million. After limited discovery and negotiation the matter settled favorably.
- ***Steve Wallace and Lucy S. Wallace v. Frontier Bank, N.A., et al., 903 So.2d 792 (Ala. 2004)***
Represented Frontier Bank as the mortgagee and Nicholas and Tammy Lee as the mortgagors in a construction financing matter that involved alleged fraudulent conveyances from the builder by a judgment creditor. Successful in winning summary judgment at the trial court and the subsequent appeal at the Alabama Supreme Court. The opinion details the responsibilities of a title insurer and ultimately holds that the Lees were "bona fide purchasers for value without notice" and therefore their mortgage was valid and correspondingly the mortgagee's interest was also valid.
- ***LaSalle Bank, N.A., as Trustee c/o Saxon Mortgage Services v. Betty A. Menzing, et al., CV-07-637119 (Common Pleas Court of Cuyahoga County, Ohio)***
Represented the mortgage servicer in this real estate litigation action involving a counterclaim and third-party complaint brought by three mentally handicapped borrowers in a foreclosure action. Defendants' counterclaims and

third-party complaint (filed against their former attorney-in-fact,) included alleged insufficient capacity to enter into a contract, unconscionability/unenforceability of the loan transaction, and undue influence/duress at the time of entry into the mortgage transaction. Through defendants' counsel, the Cuyahoga County Board of Mental Retardation became involved in the case to ensure that their interests were protected. After extensive discovery, including deposition testimony of the three mentally handicapped borrowers, we were successful in reaching a settlement and dismissal.

- ***Optimum Bank v. Eva Verner a/k/a Eva Buchowski, Equestrian Center Co., Wachovia Bank, Tower Financial Services, Inc., Case No. 2004 CV 92896 (Superior Court of Fulton County, Ga.)***
Served as Georgia counsel in conjunction with Cohen & Fox in handling a multi-state identity theft and international money laundering scheme that was based in a mortgage fraud operation. The fraudster assumed the identity of the mortgagor and placed millions in false mortgages on property located in Florida. We were successful in freezing the stolen money and recovering assets; ultimately the fraudster was arrested.
- ***Taylor Properties, LLC, et al. v. AIG Baker Brookstone, LLC, CV - 2005-315 (Circuit Court of Shelby County, Ala.) affirmed Alabama Court of Civil Appeals, Writ Quashed, Alabama Supreme Court***
Represented the developers who purchased a 40-acre tract upon which they subsequently built a multimillion-dollar development with over 100 commercial tenants. The plaintiffs alleged to previously own an easement through said development and sought demolition of the commercial development along with compensatory damages in diminution in value of their adjacent commercial development. After extensive discovery and expert witness testimony, the trial court granted the developers summary judgment, which involved analysis of recorded instruments and whether they were easements, licenses, and the ability to convey the same.
- ***Taylor, Bean & Whitaker Mortgage Corporation v. GMAC Mortgage Corporation, United States District Court for the Middle District of Florida, Case No. 5:05-cv-260***
Aggressively represented GMAC Mortgage in a commercial dispute against Taylor Bean & Whitaker Mortgage Corp. related to a series of purchase and sale agreements governing thousands of residential mortgages loans. In that litigation, Taylor Bean asserted claims for breach of contract against GMACM and GMACM asserted claims against Taylor Bean for breach of contract, offset/recoupment, declaratory judgment, indemnification, fraudulent inducement, and for attorneys' fees. After three years of litigation and shortly before trial, the case ended in a mutually agreeable settlement. Following the settlement, we subsequently represented GMAC in further repurchase demands with Taylor Bean & Whitaker Mortgage Corp., which were resolved without further litigation.
- ***Town of West Tisbury v. Saxon Mortgage Services, Inc., No. 1:08-cv-10569-GAO (District of Mass.)***
Represented Saxon Mortgage Services, Inc. as assignee of the loan at issue in a lawsuit alleging predatory lending, initially filed in the Superior Court of Dukes County, Massachusetts, but was subsequently removed to federal court in 2008 upon an order granting defendant's removal motion. The plaintiff sought declaratory judgment to enforce an affordable covenant, and also asserted a predatory lending claim under the Massachusetts Consumer Protection Act. Plaintiff alleged that Saxon (as assignee of mortgage originated by Freemont General Credit Corp.) by making/selling a loan to the borrower, Cote, engaged in unfair and deceptive acts/omissions in violation of the FDIC's 2007 prior ruling against Freemont requiring it to cease/desist from engaging in sub-prime lending practices. These allegations included making an excessively risky/unconscionable loan to Cote; failure to consider Cote's ability to repay the loan; failure to disclose loan risks to Cote; and failure to consider that property restrictions inhibit Cote's ability to sell/transfer lot. Successful in favorably settling the lawsuit.
- ***United States of America v. Milton Amador-Ramos, Case No. 2008-CF2-26563 (Superior Court of the District of Columbia, Criminal Division)***
Represented a mortgage servicer with a security interest in a property involved in a federal sting operation. The U.S. looked to the mortgage company to resolve the matter, wherein an undercover federal agent posed as a "John" to enter into the home in suburban D.C. and determined a brothel was being run out of the residence. Subsequently, a criminal litigation matter was brought by the U.S. involving the property and a show cause order as to why the property should not be abated as a public nuisance. We worked under tight time constraints with both the U.S. Attorney's Office and District of Columbia Metro Police Department. The tenants/prostitutes at the property were evicted, and an order was entered finding that the prostitution nuisance had been abated and giving the owner of the property full lawful use of the property.