



## Robert D. Bailey

**Partner**  
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Robert Bailey 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 RESPA, TILA, FCRA, FDCPA, TCPA, and state statutes concerning wrongful foreclosure, mortgage servicing claims, and debt collection. Robert brings a business-minded approach to litigation and partners with clients to resolve matters with an eye always on the bottom line. Robert also advises his clients in banking and finance on regulatory compliance matters and handles appeals, mediation, and arbitration.

In addition to his litigation experience in consumer financial services, Robert also has extensive litigation experience in insurance defense matters, including experience defending attorneys and insurance agents, and brokers in professional liability matters.

Robert joined Hinshaw to establish its New Jersey office in 2021. Previously, Robert represented financial institutions with firms throughout New Jersey in the state and federal courts in New Jersey and New York.

### Professional Affiliations

- New Jersey State Bar Association
- Somerset County Bar Association

### Honors & Awards

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

### Representative Matters

#### *Mortgage Servicing*

- Represented national mortgage servicer on appeal before the New Jersey Appellate Division. A condominium association argued that a lender's

### Practices

Appellate  
Commercial Litigation  
Consumer and Class Action Defense  
Consumer Financial Services  
Mortgage Servicing and Lender Litigation  
Professional Liability  
Real Estate & Lending  
Regulatory and Compliance Counseling  
Regulatory Investigations and Compliance Counseling

### Industries

Banking & Finance

### Education

J.D., Boston College Law School, 2004

M.B.A., Boston College, 2004

B.F.A., Massachusetts College of Art and Design, 1994

### Admissions

New Jersey

New York

U.S. Court of Appeals for the Third Circuit

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern, Northern, and Southern Districts of New York



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 mortgagee in possession.

## 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

## 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 (K.I.N.D.), Volunteer