



Samuel C. Bodurtha

Partner
53 State Street
27th Floor
Boston, MA 02109
617-213-7039
sbodurtha@hinshawlaw.com
Alternate Office: Providence - 401-751-0842

Sam Bodurtha defends mortgage lenders, servicers, and investors in individual and class action claims involving residential mortgage loan origination, transfers and assignments, and foreclosure. He has extensive experience working with clients on cases arising from allegations of mortgage fraud, predatory lending, and violations of consumer protection statutes such as:

- 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)
- Fair Credit Reporting Act (FCRA)

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

Sam is former partner in charge of Hinshaw's Boston and Providence offices and is a member of the firm's Executive Committee and Asian American Affinity Network. Before joining the firm, he practiced law with one of Rhode Island's largest litigation firms.

Professional Affiliations

- Mortgage Bankers Association
- Rhode Island Bar Association

Honors & Awards

- Professional
 - Named 2023 Client Service All-Stars by *BTI Consulting*
 - Recognized as "Rising Star" by *New England Super Lawyers* magazine, 2014 – 2017
- Academic
 - Case Western Reserve University School of Law

Practices

Consumer and Class Action Defense
Consumer Financial Services
Mortgage Servicing and Lender Litigation
The Telephone Consumer Protection Act

Industries

Banking & Finance

Education

J.D., *cum laude*, Case Western Reserve University School of Law, 2004

B.A., *cum laude*, Bowdoin College, 1999

Admissions

Massachusetts

Rhode Island

U.S. Court of Appeals for the First Circuit

U.S. District Court for the District of Massachusetts

U.S. District Court for the District of Rhode Island

U.S. District Court for the Eastern District of Wisconsin



- Dean's Honor List
- Paul J. Hergenroeder Award for Excellence in Trial Tactics
- Bowdoin College
 - Hannibal Hamlin Emery Latin Prize for Excellence in the Study of Classical Latin

Representative Matters

Foreclosure Notice Claims

- 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.
- 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.

Assignment/Standing Claims

- Obtained dismissal of a complaint for lack of standing in a Rhode Island federal court case where the borrower challenged foreclosure on grounds that the loan transferred into the trust in violation of the pooling and servicing agreement.
- Obtained summary judgment in defense of a contested foreclosure action in Rhode Island state court where the borrower challenged the authority of the foreclosing mortgagee based upon claims of an invalid assignment of mortgage and improper foreclosure.
- Obtained dismissal of a complaint to quiet title and enjoin foreclosure in Massachusetts federal court on grounds that the borrower lacked standing to challenge the assignment of mortgage and failed to allege facts sufficient to contest the origination, transfer, and possession of a promissory note.

Due Process Claims

- Obtained dismissal of a plaintiff's due process lawsuit filed in the Massachusetts federal court that challenged foreclosure for lack of notice and opportunity for a hearing.
- Obtained dismissal of a class action lawsuit alleging due process violations in the pursuit of statutory power of sale foreclosures in the State of Rhode Island.
- 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 First Circuit Court of Appeals.
- 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.

Statutory Claims

- 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).
- Obtained summary judgment in an FDCPA lawsuit where the borrowers claimed wrongful debt collection practices on allegations that their mortgage loan was void from the start because the loan originator was not licensed or approved by the Commonwealth of Massachusetts.
- 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 summary judgment in defense of a complaint to rescind a mortgage for alleged violations of the Massachusetts Consumer Credit Cost Disclosure Act on the grounds that borrowers' receipt of one notice of right to cancel satisfied truth in lending disclosure requirements at origination.
- Obtained summary judgment to enforce a lost promissory note under UCC 3-309 and authorize foreclosure under Massachusetts law over borrower's objection and opposition to the lost note affidavit evidence and legal right to enforce.

Presentations

- 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

Sam serves as co-editor of Hinshaw's Consumer Financial Services blog, hinshawcfs.com. His other publications include:

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

Personal

Sam lives in Rehoboth, Massachusetts, with his wife, their two children, and a rescue dog named Raven.