



Dylan W. Howard

Shareholder

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Dylan Howard is an experienced litigator who defends banking and financial institutions in consumer and commercial litigation as well as regulatory actions in federal and state courts and advises his clients on regulatory and compliance issues that impact the financial services industry.

Mr. Howard serves as co-chair of the Firm's Consumer Litigation and Regulatory Compliance Committee, is a member of the Financial Services Department's Diversity Committee, and serves as an attorney liaison to the BakerCares Committee for public service.

His focus is on the banking and financial services industry, and he has represented clients in a wide variety of litigated matters, including wire fraud, fiduciary disputes, wrongful foreclosure, escrow violations, servicing errors, breach of contract, title clearance, and violations of federal statutes including the EFTA, TCPA, FDCPA, FCRA, TILA, RESPA and the SCRA. He also advises his clients on regulatory and compliance issues that impact the financial services industry.

In representing and advising his clients, Mr. Howard utilizes his experience and dedication to provide excellent and efficient client service to help clients navigate the challenges facing the financial services industry.



Representative Matters

- Following oral argument to the Georgia Supreme Court, obtained a published decision affirming a trial court's final judgment cancelling an arguably superior interest in real property held by a competing lender.
- Obtained a directed verdict at trial on behalf of a Fortune 500 bank in a lawsuit alleging violations of the Electronic Funds Transfer Act based on purportedly unauthorized debits and ATM withdrawals.
- Successfully defended a Fortune 100 mortgage lender following an entry of default in a wrongful foreclosure matter at a trial on damages and obtained a judgment assessing \$0 in liability.
- Serves as managing counsel for a Fortune 100 mortgage lender including effective and efficient management of a docket of more than 150 litigated matters in Georgia state, federal and appellate courts.
- Led both the trial and appellate teams on a matter involving wrongful foreclosure and FDCPA claims based on actual errors in the legal description of the property. Obtained an Eleventh Circuit Court of Appeals order affirming the trial court's dismissal of all claims.
- Obtained an extremely favorable settlement on the eve of trial in a TCPA/FDCPA matter involving more than 2,000 arguably unauthorized calls.
- Successfully defended a mortgage law in a dispute with the purchaser of REO property involving an unpermitted landfill and other extensive environmental issues.
- Obtained summary judgments on behalf of mortgage lenders in a series of wrongful eviction matters in which the borrowers were locked out of their houses without a writ of possession and their personal property was destroyed.
- Obtained a judgment from the Georgia Court of Appeals on an interlocutory appeal reversing the trial court's denial of summary judgment in a wrongful foreclosure matter in which the foreclosure advertisements included differing legal descriptions for the property at issue.

- Represented various mortgage lenders in a portfolio of lawsuits brought by a single plaintiff's counsel alleging credit reporting violations following bankruptcy. Resolved several matters without payment, resolved many others efficiently, and worked with the client to correct the underlying reporting issues.
- Successfully represented the appellant mortgage servicer in a Georgia Court of Appeals judgment awarding summary judgment to the mortgage lender in a matter involving novel claims arising from regulations issued by the Department of Veterans Affairs.
- Successfully defended a trustee in an action by a beneficiary involving breach of fiduciary duty and fraud claims arising from losses incurred in investment accounts, resulting in the award of summary judgment to the trustee.
- Guided a college through the compliance and licensing concerns associated with the establishment of a new institutional student lending program.
- Advised a vehicle finance company to ensure their leasing products and documents complied with state and federal laws and regulations.
- Advised a banking institution with regard to fair lending, marketing, credit reporting, licensure, disclosures, reporting and other matters related to their consumer financial services offerings.
- Successfully defended a major bank subsidiary in a state court lawsuit alleging wrongful foreclosure. Obtained a complete defense verdict following the jury trial.



Professional Honors & Activities

- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Named a Georgia Rising Star in Business Litigation (2012, 2014 – 2017)
- Recipient – Baker Donelson Atlanta Pro Bono Attorney of the Year (2008 and 2020)
- Chair – American Legal & Financial Network Complex Litigation Practice Group (2015 – 2017)
- Member – Atlanta Bar Association
- Member – State Bar of Georgia
- Member – American Bar Association
- Member – Georgia Association of Mortgage Brokers
- Member – Georgia Association of Real Estate Investors
- Member – Georgia Real Estate Fraud Prevention and Awareness Coalition
- Member – Board of Governors, Mortgage Bankers Association of Georgia
- Graduate – Mortgage Bankers Association of Georgia's Future Leaders Program (Class of 2017 – 2018)



Publications

- "Countdown Begins for Compliance with New York's Commercial Finance Disclosure Law as New York Issues Final Rule" (February 2023)
- "CFPB Announces Preliminary TILA Preemption Determination Two Days Before California's Commercial Disclosure Laws Go Live" (December 2022)
- "Beware the CFPB's Hazardous Civil Investigative Demand," *The Bank Board*, newsletter (January 2015)
- "The CFPB's Uncivil Civil Investigative Demands," *Law360* (November 2014)
- "A Paperless World?," *Mortgage Banking* (November 2014)
- "Operation Choke Point: The CFPB expands its oversight of payday lending," *Westlaw Journal Bank & Lender Liability* (June 2014)
- "A Brave New World for Mortgage Servicers," *National Mortgage News* (December 2013)
- "CFPB's New Regulations Will Affect Small Servicers," *National Mortgage News* (December 2013)
- Co-author – "The CFPB - A Powerful New Cop," *Mortgage Banking* (September 2013)
- "Survey of Georgia Real Property Law," *64 Mercer Law Review* 255, Chapter on Foreclosure Law (2012)

- "Survey of Georgia Real Property Law," *63 Mercer Law Review* 309, Chapter on Foreclosure Law (2011)



Speaking Engagements

- "Litigation Developments Panel," MBA Regulatory Compliance Conference (September 2017)
- Co-presenter – "Everything and Anything You Want to Know About the TCPA," Regulation through Litigation, Credit and Collection News 12th Annual Conference (April 2017)
- Co-presenter – "Debt Collection and Credit Reporting Litigation and Enforcement Actions: Developing Effective Defense Strategies for New and Emerging Claims and Managing Government Enforcement Actions Arising From the FDCPA and the FCRA," 26th National Conference on Consumer Finance Class Actions & Litigation, Chicago, Illinois (July 2016)
- Co-presenter – "Part One: An Originator's Guide to the CFPB," American Legal & Financial Network webinar (October 2013)
- "Trends in Foreclosure Litigation Claims," American Legal & Financial Network webinar (May 2013)
- "Confirmation of Real Estate Foreclosure - Practical Practice Tips," Institute of Continuing Legal Education, Real Property Foreclosure (2012)
- "Recent Trends in Default Litigation," Real Property Litigation Roundtable, Georgia Real Property Law Institute (2011)
- "Real Property Judicial Update," Institute of Continuing Legal Education, Real Property Foreclosure Seminar (2011)



Webinars

- A Brave New World: The FDCPA in the Post-Hunstein Age (March 2023)



Education

- University of Georgia School of Law, J.D., 2002
- Yale University, B.A., 1999



Admissions

- Georgia, 2002
- Supreme Court of Georgia, 2010
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court Northern District of Georgia and Middle Districts of Georgia