ECKERT SEAMANS




**WHITE PLAINS, NEW YORK**
10 Bank St.
Suite 700
White Plains, NY 10606
P: 914.286.2630
F: 914.949.5424
mmccord@eckertseamans.com


# Morgan R. McCord

## MEMBER

Morgan McCord focuses his practice on banking, financial services, consumer and commercial collections, and bankruptcy litigation. He represents banks, loan servicers, and other financial institutions through all phases of litigation involving diverse claims. These claims typically involve lender liability, title issues, contested foreclosures, stolen and forged negotiable instruments, fraudulent or unauthorized account transactions, electronic transactions, identity theft, cashier's checks, and other retail and wholesale banking transactions. Morgan also represents financial services institutions in defending matters arising under the full range of laws and statutes regulating the consumer finance industry, such as the Truth-in-Lending Act (TILA), Real Estate Settlement Procedures Act (RESPA), Fair Debt Collection Practices Act (FDCPA), and Fair Credit Reporting Act (FCRA).

## REPRESENTATIVE MATTERS

- In a landmark decision, reported on the front page of the *New York Law Journal*, secured an affirmance from the U.S. Court of Appeals for the Second Circuit of a decision by the U.S. District Court for Southern District of New York dismissing all claims against a prominent national bank arising under 42 U.S.C. 1983 and New York's Exempt Income Protection Act.
- In a decision by the U.S. District Court for the District of New Jersey, featured in the New Jersey Law Journal, obtained dismissal of all claims against a prominent national bank stemming from a counterfeit check fraud scheme ensnaring a law firm.
- Obtained dismissal of all claims against a prominent national bank arising under the Expedited Funds Availability Act and Article 4 of the Uniform Commercial Code.

## PROFESSIONAL AFFILIATIONS

- New York State Bar Association, Committee on Creditor's Rights and Banking Litigation
- American Bar Association

## COMMUNITY INVOLVEMENT

- Borough of Cresskill, New Jersey – Zoning Board of Adjustment,

### PRACTICE AREAS:

Financial Services Litigation
Litigation
Commercial Litigation
Bankruptcy & Restructuring
Land Use
Appellate

### STATE ADMISSIONS:

New York
New Jersey

### COURT ADMISSIONS:

U.S. District Court for the Eastern District of New York
U.S. District Court for the Southern District of New York
U.S. District Court for the District of New Jersey
U.S. Bankruptcy Court for the Eastern District of New York
U.S. Bankruptcy Court for the Southern District of New York
U.S. Court of Appeals for the Second Circuit

### EDUCATION:

J.D., cum laude, Hofstra University School of Law, 2009; Senior Editor, *Hofstra University School of Law Journal of International Business and Law*

B.A., magna cum laude, Muhlenberg College, 2006; The National Scholars Honor Society; Kyle M. Larsson Memorial Scholarship Award in Business and Economics

Vice-Chair

- Stonegate at Cresskill Condominium Association – President

## AWARDS AND RECOGNITION

- Selected for inclusion in New York Metro Super Lawyers 2023-2025
- Recognized as one of "America's Most Honored Lawyers for 2021 & 2022 – Top 5%" by The American Registry
- Recognized as one of "America's Most Honored Lawyers for 2020 – Top 10%" by The American Registry
- Selected for inclusion in New York Metro Super Lawyers as a "Rising Star"
- Selected for inclusion in US Business-News Magazine's 2018 Business Elite Awards as "Bankruptcy Lawyer of the Year – North East USA"
- Selected for inclusion in the "Legal Elite 0f 2017" as the "Financial Litigator of the Year 2017 – Greater New York" from *North America News*
- Selected for inclusion in the "Legal Elite of 2016" for Financial Services Litigation (Westchester, NY) by *Corporate America Magazine*.

## NEWS AND INSIGHTS

PUBLICATIONS

- "Foreclosure Abuse Prevention Act – Due Process Considerations Continued," Eckert Seamans' Financial Services Litigation Update, May 2023.
- "Foreclosure Abuse Prevention Act – Due Process Considerations," Eckert Seamans' Financial Services Litigation Update, February 2023. Also published in The Banking Law Journal, May 2023.
- "Second Circuit's Bright-Line Rule Spells Trouble for Unsuspecting Lenders," New York Law Journal, November 18, 2022
- "Second Circuit's Bright-Line Rule Spells Trouble for Unwary Lenders," Eckert Seamans' Financial Services Litigation Alert, November 1, 2022.
- "Second Department Answers Open Question Concerning RPAPL 1304 and Clarifies Strict Compliance Standard," Eckert Seamans' Financial Services Litigation Alert, April 2022; Also published in the New York Law Journal, May 23, 2022.
- "Second Department's Strict Compliance Standard: Strictly Unfeasible?" New York Law Journal, December 28, 2021.
- "Strict Compliance or Strictly Impractical, Appellate Division, Second Department Offers a New Standard for RPAPL 1304 Causing Confusion and Chaos," Eckert Seamans' Financial Services Litigation Alert, December 22, 2021.
- "Erosion of 'Willful Neglect' Standard in Reforeclosures," New York Law Journal, October 28, 2021.

- "Second Department Leaves Open the Possibility of a Third Party Raising the Statute of Limitations as a Defense to Foreclosure, Leaving Lenders in the Lurch," New York Law Journal, August 27, 2021.
- "Second Department Leaves Open the Door to a Third Party Interposing the Statute of Limitations as a Defense to Foreclosure Creating Potential Peril for Lenders," Eckert Seamans' Financial Litigation Alert, August 2021.
- "Court Rules COVID-19 Executive Orders 'Toll' Filing Deadlines," New York Law Journal, July 1, 2021.
- "Second Department Rules that Governor Cuomo's COVID-19 Executive Orders "Toll" Filing Deadlines," Eckert Seamans' Financial Litigation Alert, June 2021.
- "High Court Answers Open Questions Concerning RPAPL 1304 and 1306," New York Law Journal, April 21, 2021.
- "High Court Answers Open Questions Concerning RPAPL 1304 and 1306," Eckert Seamans' Financial Services Litigation Update, April 14, 2021.
- "Second Department Clarifies Law Concerning a Lender's Revocation of Acceleration in Foreclosure and Confirms the Sanctity of Settlement," New York Law Journal, March 12, 2021.
- "Appellate Division, Second Department Clarifies Law Concerning a Lender's Revocation of Acceleration in Foreclosure and Confirms the Sanctity of Settlement," Eckert Seamans' Financial Services Litigation Update, February 10, 2021.
- "Appellate Division Interprets RPAPL 1302-a for the First Time in a Decision with Important Implications for Mortgage Servicers," Eckert Seamans' Financial Services Litigation Update, December 3, 2020.
- "Second Department Interprets RPAPL 1302-a for the First Time in a Decision with Important Implications for Mortgage Servicers," New York Law Journal, December 2020.
- "New York High Court Shields Banks from Certain Direct Actions by Debtors," Banking Law Industry Alert, January 2014.

MEDIA COVERAGE

- "The case of the vanishing deposit: Barrington woman defrauded in catfishing check scam that reveals vulnerability of bank accounts," Chicago Tribune, October 2022.

SPEAKING ENGAGEMENTS

- "Hot Topics in NY Foreclosure During Cold Times," co-presenter, West LegalEdcenter, December 2021.
- "Time Waits for No One! The Statute of Limitations in NY Foreclosure," co-presenter, West LegalEdcenter webinar, May 2021.
- "Don't Bank on It! Counterfeit Check Fraud 101," CLE webinar presentation for Lawline, November 2018.
- "Compass – What do Regulators Really Want?" presented to employees of an international software provider to banks, commodities and security traders, December 2017.
- "Counterfeit Check Scams 101," Journal of International

Business, Hofstra University School of Law, May 2014.