



## David E. Fialkow

### Partner

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### OVERVIEW

David Fialkow is a litigation partner in the firm's Boston office. His litigation practice is split between consumer financial services litigation and general business litigation.

On the consumer financial services side, national banks, mortgage servicers, student lenders, and other consumer financial services providers rely upon David to represent them in litigation, class actions, arbitrations, administrative proceedings, and other disputes involving state and federal laws related to lending, mortgage origination, loan servicing, auto loans, student loans, debt collection, credit reporting, unfair and deceptive trade practices, as well as a host of other consumer finance laws. Clients also ask David to represent them in state and federal appeals, and to advise them on compliance with state and federal laws regulating consumer financial products and services. Working collaboratively with his clients, David strives to provide clients with practical solutions to their real world problems.

Beyond consumer finance, David's corporate and individual clients seek his representation in an array of commercial and personal disputes. Clients regularly seek David's assistance with their disputes involving contracts, competition, intellectual property, antitrust, fiduciary duties, employment, as well as other matters. With the help of an experienced team, David guides clients to practical resolutions, whether through full litigation or negotiated compromise.

### PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, David was a partner at a national law firm.

### PROFESSIONAL / CIVIC ACTIVITIES

- ABA (American Bar Association)
- DRI (Defense Research Institute)
- IADC Trial Academy Alumni (International Association of Defense Counsel Trial Academy)
- Temple Beth Am, Framingham, MA – Board of Trustees

## EDUCATION

- J.D., Suffolk University Law School, 2006 (*summa cum laude*; *Note Editor, Suffolk University Law Review*)
- B.S., Florida State University, 2002 (*magna cum laude*)

## ADMISSIONS

- Bar of Massachusetts
- Bar of New York
- Bar of Rhode Island
- United States Court of Appeals for the First Circuit
- United States District Court for the District of Massachusetts
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York

## THOUGHT LEADERSHIP POWERED BY HUB

- 21 April 2020, COVID-19: Attention Massachusetts Mortgagees - New State Legislation Impacting Foreclosure Rights (*Alerts/Updates*)
- 31 March 2020, COVID-19: Impact on Consumer Financial Service Providers (*Alerts/Updates*)
- 19 March 2020, Turning Over a New Leaf: Maine Law Court Provides Path for Foreclosing Entities to Cure Greenleaf Defects with Assignments of Mortgage and Signals That Reconsideration of Greenleaf May Be Warranted (*Alerts/Updates*)
- 31 January 2018, Cryptocurrency 2018: When The Law Catches Up With Game-Changing Technology (*BlogPost*)
- 30 January 2018, Cryptocurrency 2018: When The Law Catches Up With Game-Changing Technology (*Alerts/Updates*)
- 21 December 2016, Massachusetts Title Clearing Act To Take Effect December 31, 2016 - Are you Ready? (*Alerts/Updates*)
- 16 March 2016, Increased Scrutiny On “Auto-Defaults”— Road To Enforcement Or Impetus For Change? (*BlogPost*)
- 10 December 2015, “An Act Clearing Titles to Foreclosed Properties” in Massachusetts ... Maybe (*Alerts/Updates*)

## OTHER PUBLICATIONS

- ABA Business Law Section's Review of Developments in Business and Corporate Litigation (*Chapters on Class Actions, 2010-2014*)
- "The Trend Toward Using The Risk-Utility Test," *Law360*, 2010
- "The Media's First Amendment Rights and The Rape Victim's Right to Privacy: Where Does One Right End and The Other Begin?," *39 Suffolk U. L. Rev.* 745, 2006

## NEWS & EVENTS

- 30 July 2015, K&L Gates Strengthens Investment Management Practice with Boston Lawyer Addition (*Press Release*)

## AREAS OF FOCUS

- Financial Institutions and Services Litigation
- Antitrust, Competition, and Trade Regulation
- Appellate Litigation
- Payments, Banking Regulation, and Consumer Financial Services