



## Sean R. Higgins

### Partner

Boston

+1.617.261.3128

[sean.higgins@klgates.com](mailto:sean.higgins@klgates.com)

## OVERVIEW

Sean Higgins is a partner and focuses his practice on consumer financial services litigation. He represents banks, mortgage lenders, mortgage loan servicers, and automotive finance companies in consumer class actions, individual plaintiff lawsuits, and appeals in federal and state courts throughout the United States. Cases frequently involve challenges under federal statutes, including the federal Real Estate Settlement Procedures Act, the Truth in Lending Act, the Fair Debt Collection Practices Act, and the Fair Credit Reporting Act, as well as claims under state unfair and deceptive acts and practices statutes and common law.

In addition to his consumer financial services work, Sean advises and represents lenders, servicers, and special servicers in a variety of transactions, including workouts, restructurings, foreclosures, bankruptcies, and litigation, including judicial foreclosures and state-level receiverships. Sean is experienced in all aspects of loan servicing, general commercial litigation, and bankruptcy litigation. He also has experience representing lenders, CMBS loan servicers, and special servicers in connection with portfolio and loan-level default management and litigation.

Sean regularly represents creditors in bankruptcy and insolvency proceedings. He has represented lenders, master servicers, and special servicers enforcing secured and unsecured loan obligations, and has been involved in a variety of complex commercial workouts and in- and out-of-court restructurings.

In addition to his work enforcing creditors' rights, Sean also has experience defending commercial and consumer lenders in litigation in a variety of courts and jurisdictions.

## PROFESSIONAL BACKGROUND

Prior to joining the firm, Sean was a partner at a national law firm.

## ACHIEVEMENTS

- Named to Massachusetts Rising Stars for list for Business Litigation (2013)
- Named to Massachusetts Rising Stars list for Consumer Law (2016-2017)

## PROFESSIONAL / CIVIC ACTIVITIES

- Member, 2020-2024 Board of Directors, Hill House (Boston, MA), Co-President, 2023-2024
- Member, IADC Trial Academy Alumni (International Association of Defense Counsel Trial Academy)
- Former Board of Directors, General Counsel, Wake Up Narcolepsy, Inc.

## EDUCATION

- J.D., Suffolk University Law School, 2003 (*Executive Director, Moot Court Honor Board; Staff Member, Suffolk Journal of Trial & Appellate Advocacy*)
- B.A., Assumption College, 1999

## ADMISSIONS

- Bar of Connecticut
- Bar of Massachusetts
- Bar of West Virginia
- Supreme Court of the United States
- United States Court of Appeals for the First Circuit
- United States Court of Appeals for the Second Circuit
- United States District Court for the District of Connecticut
- United States District Court for the District of Massachusetts
- United States District Court for the Northern District of West Virginia
- United States District Court for the Southern District of West Virginia

## THOUGHT LEADERSHIP POWERED BY HUB

- 28 September 2022 , The Third Time Is the Charm: The Eleventh Circuit Allows Creditor's Use of Commercial Mail Vendor
- 17 November 2021, New But Not Improved: On Panel Rehearing, 11th Circuit Issues Revised FD CPA Decision in Hunstein v. Preferred Collection and Management Services
- 14 July 2021, Supreme Court Allows Eviction Moratorium to Run Its Course
- 7 June 2021, COVID-19: Moratorium Madness: Will Challenges to the Eviction Order Force the CDC's Hand?
- 10 May 2021, COVID-19: Federal Judge Rules CDC Not Authorized to Issue Nationwide Eviction Moratorium

- 9 September 2020, "Fair Market Value" Does Not Mean "Fair Market Retail Value": The Impact of Williams and Dellorusso on Repossession in Massachusetts
- 13 May 2020, COVID-19: Emergency Regulations Do Not Pass Constitutional Muster
- 21 April 2020, COVID-19: Attention Massachusetts Mortgagees - New State Legislation Impacting Foreclosure Rights
- 20 April 2020, COVID-19: The Massachusetts Attorney General's Office Issues Emergency Regulations Significantly Limiting Debt Collection in Massachusetts During Pandemic
- 29 August 2019, Taking Care of Business: 1st Circuit Affirms Admittance Integrated Business Records
- 8 April 2019, U.S. Supreme Court Rules that Entities Conducting Nonjudicial Foreclosures Are Not Debt Collectors under the FDCPA
- 25 June 2018, Requirements for Massachusetts Homestead Exemption: Can Debtors Exempt Principal Residence Occasionally Rented as Short-Term Lodging?
- 25 June 2018, Requirements for Massachusetts Homestead Exemption: Can Debtors Exempt Principal Residence Occasionally Rented as Short-Term Lodging?
- 17 April 2018, Massachusetts Supreme Judicial Court Holds Passive Debt Buyers Are Not Debt Collectors Under Massachusetts Law
- 17 April 2018, Massachusetts Supreme Judicial Court Holds Passive Debt Buyers Are Not Debt Collectors Under Massachusetts Law
- 24 May 2017, Balancing Act: Supreme Court Rules That Filing a Proof of Claim for Stale Debt Does Not Violate the Fair Debt Collection Practices Act
- 4 April 2016, Mortgage Lenders, Holders, and Servicers Beware: Massachusetts High Court Endorses Condominium Association's Super Lien Practice
- 12 May 2015, Governor Tomblin Signs into Law Significant Amendments to West Virginia Consumer Credit Protection Act

## OTHER PUBLICATIONS

- "Third Time Is the Charm: Eleventh Circuit Allows Creditor's Use of Commercial Mail Vendor," *The Banking Law Journal*, January 2023
- Co-author, "AT&T Mobility LLC v. Concepcion: Time to Consider a Motion to Compel Arbitration?," *Business Law Today*, 2011
- "Proving Copyright Infringement: Will Striking Similarity Make Your Case?," *Suffolk Journal of Trial & Appellate Advocacy*, Volume VIII, 2003

## NEWS & EVENTS

- 7 July 2023, K&L Gates Successfully Defends HSBC Bank in Phishing Scheme
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 30 July 2015, K&L Gates Strengthens Investment Management Practice with Boston Lawyer Addition

## AREAS OF FOCUS

- Financial Institutions and Services Litigation
- Appellate Litigation
- Commercial Disputes
- Restructuring and Insolvency

## REPRESENTATIVE EXPERIENCE

- On behalf of national bank, obtained dismissal of putative consumer class action lawsuit brought under the Massachusetts Consumer Protection Act where plaintiff asserted abusive debt collection practices. Court granted a motion to dismiss complaint.