

Creditor's Rights & Remedies

Overview

With our Depth of Experience, Strong Knowledge, and Legal Acumen, McDowell Rice's Creditor's Rights and Remedies Group helps Creditors Address and Resolve Obligations Owed to Them, whether through non-judicial effort, or litigation in State or Federal Courts.

McDowell Rice's attorneys represent lenders, landlords, individuals, and other creditor clients addressing disputes promptly to reach agreement, and when necessary, aggressively pursuing rights and remedies through litigation. Our core strengths include litigation seeking collection of money, loan enforcement, appointment of receivers, recovery of property (replevin), pre-judgment attachments, commercial foreclosure, post-foreclosure deficiencies, commercial rent/eviction and related matters. We represent clients in "business divorce" or similar matters. We protect and enforce security interests in and out of bankruptcy courts, including defense of creditors in avoidance actions, adversary proceedings, contested matters, and related claims brought by debtors in possession and trustees. Our bankruptcy practice includes representing creditors in non-dischargeability claims, lift of stay, and objections to bankruptcy plans.

With the rise in consumer litigation our attorneys frequently defend creditors, collection agencies, and lawyers in alleged consumer protection violations under the Fair Debt Collection Practices Act (FDCPA), the Fair Credit Reporting Act/Fair and Accurate Credit Transactions Act (FCRA/FACTA), the Telephone Consumer Protection Act (TCPA), Kansas Consumer Protection Act (KCPA), and the Missouri Merchandising Practices Act (MMPA). We vigorously defend the right of lawyers and debt collectors to enforce and seek payment for their clients.

Using our deep knowledge of our clients' industries, we listen intently to our clients' goals to determine the best course to resolve obligations owed to our clients whether through restructuring, forbearance, workouts or legal enforcement. We work to avoid emotional arguments and positions that escalate costs, distract from best results or may lead to unfounded counterclaims. We find these strategies assist in the achievement of better lender/creditor recoveries. If mutual and reasonable resolutions cannot be reached, our attorneys pursue litigation and prejudgment remedies to best protect our clients' opportunities for recovery and expedite resolutions. If this aggressive enforcement leads to the filing of a bankruptcy, we possess the

necessary experience and acumen to guide our clients through the often complex bankruptcy process and procedure.

As our first goal, we pursue the earliest and best resolution for our clients. The sooner we can eliminate the need for representation by obtaining resolution to the benefit of our clients, the better.

Chairs

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Members

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