



## Maura K. McKelvey

**Co-Partner in Charge of Boston and Providence Offices**

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Maura McKelvey defends mortgage servicers, lenders, and trustees of securitized mortgage trusts in matters alleging predatory lending, mortgage fraud, violation of consumer protection statutes, and challenges to mortgage holders' right to foreclose. When faced with claims asserting violations of the Truth in Lending Act (TILA), Real Estate Settlement Procedures Act (RESPA), Home Affordable Modification Program (HAMP), and the Fair Debt Collection Practices Act (FDCPA), Maura's clients rely on her deep industry knowledge and experience to resolve their conflicts efficiently. Another facet of Maura's practice includes representing lenders, servicers, and their agents and vendors in claims arising out of contested foreclosures and evictions in Massachusetts and Rhode Island state courts. She also assists clients in title and lien disputes.

In addition to advocating for clients in state and federal courts, Maura has defended broker-dealers and registered representatives in securities arbitrations before the Financial Industry Regulatory Authority (FINRA). Over the course of her career, she has handled more than 25 sales practices arbitrations, defending a broad array of claims for these clients, including suitability, misrepresentation, unauthorized trading, failure to supervise, and violations of state and federal securities statutes.

Maura is the co-partner-in-charge of the firm's Boston and Providence offices and has played an active role in the firm's management since joining Hinshaw in 2005. She has served terms on Hinshaw's Management Committee and Executive Committee and was also co-chair of the firm's Consumer Financial Services Practice Group.

Maura's background prior to Hinshaw includes advising clients in professional liability, insurance coverage, and securities litigation as an associate at other firms in Boston. In addition to her other accomplishments and activities during law school, Maura was a member of the *Boston College International* and *Comparative Law Review*.

## Honors & Awards

- Selected as one of *Massachusetts Lawyers Weekly's* "Top Women of Law" for 2018

## Practices

Consumer and Class Action Defense

Consumer Financial Services

Mortgage Servicing and Lender Litigation

Regulatory and Compliance Counseling

## Industries

Insurance Coverage

## Education

J.D., Boston College Law School, 1995

B.A., *with distinction*, University of Michigan, 1992

## Admissions

Massachusetts

Rhode Island

U.S. Court of Appeals for the First Circuit

U.S. District Court for the District of Massachusetts

U.S. District Court for the District of Rhode Island



## Representative Matters

### Mortgage Servicing and Lender Litigation

- Obtained a defense verdict for a mortgage servicer client following a jury trial on allegations of breach of contract, negligence, and violation of the Massachusetts consumer protection statute arising out of the servicer's purchase of force-placed insurance on behalf of the borrower.
- Obtained judgment in favor of a mortgage servicer client in an Adversary Proceeding before the U.S. Bankruptcy Court where the debtor challenged the mortgage servicer's actions in relation to her modification requests and the mortgage holder's standing to foreclose based on the assignment of mortgage.

### Additional experience includes:

- Serving as the co-Defense Liaison Counsel in the *In Mortgage Foreclosure Cases*, 11-mc-88-M-LDA consolidated docket pending in the United States District Court for the District of Rhode Island from 2011-2013. Maura successfully argued on behalf of all defendants in the consolidated appeal before the First Circuit Court of Appeals, *Fryzel v. Mortg. Elec. Registration Sys., Inc.*, 719 F.3d 40, 44–46 (1st Cir.2013).
- *In re Augilar*, 2010 WL 2598622 (Bkrtcy D. Mass. June 23, 2010)
- *Dash v. Chicago Insurance Company*, 2004 Westlaw 1932760 (D. Mass. August 23, 2004)
- *Arruda v. Sears Roebuck & Company*, 310 F.3d 13 (1st Cir. 2002)
- *In re: Perrone*, 284 B.R.315 (Bkrtcy. D. Mass. 2002)
- *Ross v. Home Insurance Company*, 146 N.H. 468, 773 A.2d 654 (2001)
- *Bianco P.A. v. Home Insurance Company*, 144 N.H. 288, 786 A.2d 829 (2001)
- *Home Insurance Company v. St. Paul Fire & Marine Ins. Co., et al.*, 229 F.3d 56 (1st Cir. 2000)

## Presentations

- Co-Presenter, "Right Sizing Your Compliance Management System (CMS) for Volume Today," Mortgage Bankers Association, Legal Issues and Regulatory Compliance Conference, San Diego, California, May 8, 2024
- Panelist, "Resuming Judicial and Non-Judicial Foreclosures," Hinshaw's Peer-to-Peer Financial Services Forum: The Frontlines of Mortgage Servicing, Virtual Event, March 30, 2021
- Co-Presenter, "Preparing for Federal and State Examinations, Investigations, and Enforcement Actions Under a New Administration," Hinshaw's Peer-to-Peer Financial Services Forum: The Frontlines of Mortgage Servicing, Virtual Event, March 30, 2021
- Co-Presenter, "Anticipating Disputes Relating to Forbearance Programs: How to Interpret Consumers' Statutory Rights and Appropriately Disclose Terms," 27th National Forum on Residential Mortgage Regulatory Enforcement & Litigation, Virtual Event, November 17, 2020
- Co-Presenter, "Hot Topics & Trends in Mortgage Servicing 2019," CLE Client Program, June 11, 2019