

Elizabeth C. Farrell

PARTNER

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Known for aligning her legal strategies with her clients' priorities, Liz works to protect their interests at every stage of a dispute.

Liz focuses her practice on defending national banks across the country in litigation involving Divisions 3, 4, and 4A of the Uniform Commercial Code, the Electronic Fund Transfer Act (Reg E), Expedited Funds Availability Act (Reg CC), Bank Secrecy Act, as well claims relating to safe deposit boxes, financial elder abuse, and issues of lender liability. She is adept at navigating a claim from inception through appeal, having successfully argued cases before the Ninth Circuit and California Courts of Appeal. Liz brings a practical, solutions-oriented approach to each matter.

Liz understands client goals and needs are central to advocating successfully on their behalf. She strives to resolve disputes quickly and efficiently, without compromising quality.

EXPERIENCE

Prevailed on motion to dismiss claims for financial elder abuse, negligence, and violations of the Electronic Funds Transfer Act relating to three wire transfers. Among other things, the court's ruling rejected plaintiff's argument that EFTA applies to wires.

PRACTICES & INDUSTRIES

Business Litigation

Banking & Financial Services

ADMISSIONS

California

U.S. District Court for the Central District of California

U.S. District Court for the Northern District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Southern District of California

U.S. District Court for the Eastern District of Michigan

EDUCATION

University of San Diego, J.D., 2011

- *San Diego Law Review*, Editorial Board
- Pepperdine University, B.A., *cum laude*, 2005

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Prevailed on summary judgment in arbitration on behalf of a national bank in a wire fraud case. The bank customer disclosed multiple one-time passcodes to a third party and, as a result, was found to have authorized the wire in question.

Prevailed on summary judgment on behalf of a national bank in a wire fraud case relating to a customer's request to recall an authorized wire.

Prevailed on summary judgment in a New York class action filed against a mortgage servicer, which alleged that lien releases were not timely recorded in violation of state law. The summary judgment award mooted plaintiffs' motion for class certification.

Successfully moved to compel arbitration on behalf of a national bank in a class action concerning alleged violations of the Electronic Funds Transfer Act. Liz argued the motion to compel in the Central District of California.

Complete defense victory for a national bank following multi-day arbitration hearing pertaining to an alleged loss from a safe deposit box. Liz first chaired this arbitration and examined multiple witnesses, including safe deposit box and appraisal experts.

Second chaired a trial during Covid at which a complete defense verdict was obtained on behalf of a national bank. The complaint sought to invalidate a deed of trust under Code of Civil Procedure § 726 following a mortgage payment dispute. Covid procedures and protocol required this to be a remote trial, which Liz navigated without any impairment to the client's defense.

Successfully defended a national mortgage lender and trustee against claims seeking to void a multi-million-dollar lien under the Subdivision Map Act. Liz secured summary adjudication on key claims, and the court entered judgement fully in favor of the defendants, naming them prevailing parties.

RECOGNITIONS

Super Lawyers® Rising Star, 2019 - 2021

SPEAKING ENGAGEMENTS

"Overdraft Fee Litigation," Western Bankers Association Annual Conference, Kauai, HI, April 2022

"PPP Litigation and Mortgage Forbearance Under CARES Act," Western Bankers Association, Zoom Presentation, June 2020

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