



MICHAEL R. O'DONNELL

Practice Areas

Distressed Assets Group
Financial Services
Litigation
Loan Workout
Title Insurance

Areas of Emphasis

Title Insurance
Real Estate Litigation
Financial Institutions
Loan Work-Outs
Lender Liability
Shareholder Disputes

Overview

Co-Managing Partner of the Firm, Mike O'Donnell provides a range of commercial litigation services to clients, particularly title insurance companies and financial institutions. His work includes title disputes, mortgage fraud claims, lender liability claims, loan work-out, commercial foreclosure and evictions, judgment collection, fraud and fraudulent transfer claims, defense against RESPA, TILA and other consumer



Partner

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protection laws and class action defense for the banking and title insurance industries. Mike believes in working with his clients to set end goals at the inception of any matter and striving to get there in the most efficient manner without ever sacrificing flexibility needed for changing circumstances.

Mike has represented every major title insurer including Chicago Title Insurance Co., First American Title Insurance Co., Fidelity National Title Insurance Co., Old Republic National Title Insurance Co., Stewart Title Guaranty Company, Westcor Land Title Insurance Co., North American Title Insurance Company, WFG Title Insurance Company and Connecticut Attorneys Title Insurance Co., as well as their insureds. He has served as coverage counsel for title underwriters on numerous wide-ranging real estate frauds, some of which losses exceeded \$45 million. Finally, he represents title agencies in similar matters.

As to lending clients, Mike has represented most of the major financial institutions such as Wells Fargo, Bank of America, and JP Morgan Chase, as well as smaller regional banks including Investors Bank, Carver Federal Savings Bank, Lakeland Bank and Manasquan Savings Bank. He also represents Simon Property Group in commercial litigation and rent disputes in New Jersey and New York.

Mike has tried to verdict a wide range of commercial cases from lender liability claims, boundary-line disputes, to a 31-day dispute among the members of a family-owned real estate business valued at over \$50 million. He has also litigated numerous class actions from the overcharging of recordation fees to funds availability practices. He successfully argued in the United States Court of Appeals for the Third Circuit for the dismissal of a \$170 million class action against the major title insurance companies for overcharges. He also successfully argued in the United States Court of Appeals for the Second Circuit for the dismissal of a \$120 million class action against a bank for alleged violation of funds availability practices. Mike also investigated and brought a fidelity bond claim that resulted in the Resolution Trust Corp. receiving a \$23.5 million payment from an insurance company for a bank officer's misdeeds. This resulted in a

recovery that was the largest in RTC's history as to fidelity bonds.

Mike serves as a Neutral in the Morris County Chancery Division's *pro bono* mediation program. He also lectures frequently on title insurance and banking matters as well as authoring a number of articles and running a firm blog on these same areas.

When he is not practicing law, Mike is active in the community. He currently is a member of the Board of Directors of Zufall Community Health Centers. He served as Chairman of the Board of Directors for the Colonial Symphony in Morristown, as well as teaching CCD and Pre-Cana classes in his parish. Mike is also Past Chair of the District XB Ethics Committee. Mike is a Life Fellow of the American Bar Foundation. He is a member of the American Bar Association (TIPS Title Insurance Committee), Title Counsel Section of American Land Title Association, the Association of the Federal Bar of New Jersey, New Jersey State Bar (Banking, Real Estate and Federal Bar Sections) and Morris County Bar Association (Financial Services Committee). Finally, Mike had the honor of serving five years in the United States Marine Corps.

Best Lawyers in America®, a peer review of U.S. lawyers, has included Mike on its Best Lawyers list in the fields of Commercial Litigation and Banking Litigation since 2007. Thomson Reuters has included him on New Jersey's "Super Lawyers" list for Business Litigation since 2011. See [Awards and Honors Methodology](#).

No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Published Cases

- Bank of New York Mellon v. Corradetti, 245 N.J. 136 (2021)
- Chassen v. Fid. Nat'l Fin., Inc., 2020 WL 6586032 (D.N.J. Nov. 10, 2020)
- Lambs Lane Realty, LLC v. Lakeland Bank, 2019 WL 1500903 (N. J. App. Div. 2019)
- JPMorgan Chase Bank, Nat'l Ass'n v. Klein, 113 N.Y.S.3d 741 (2nd Dept. 2019)

- Charming Way Homeowners Association v. Miracle Investments Group, 2018 WL 5986080 (App. Div. 2018)
- Loreto v. Wells Fargo, 62 Misc. 3d 1202 (A), aff'd, 85 N.Y.S. 2d 900 (4th Dept. 2018)
- Mocco v. Frumento, 710 Fed. Appx. 535 (3rd Cir. 2017)
- Emigrant Bank v. Commonwealth Land Title Ins. Co., 2017 WL 4286335 (S.D.N.Y. Sept. 26, 2017)
- Tower Lien v. Cepeda, 2017 WL 2590120 (App. Div. 2017)
- Saran v. Chelsea GCA Realty Partnership, 50 N.Y.S. 3d 463 (2nd Dept. 2017)
- Chassen v. Fid. Nat'l Fin., Inc., 836 F.3d 291 (3rd Cir. 2016)
- Elaine Wallace v. BSD-Realty, LLC, 36 N.Y.S. 3d 884 (2d Dept. 2016)
- Crown Constr. Bldrs. & Project Mgrs. Corp. v. Chavez, 130 A.D.3d 969 (N.Y. 2d Dept. 2015)
- Hoffman v. Nutraceutical Corp., 563 Fed. Appx. 183 (3rd Cir. 2014)
- Law Offices of K.C. Okoli, P.C. v. BNB Bank, N.A., 481 Fed. Appx. 622 (2nd Cir. 2012)
- Guilford v. First Am. Title Ins. Co., 2012 N.J. Super. Unpub. LEXIS 1797 (App. Div. 2012)
- JYS Invs., L.L.C. v. Fisher, 2011 N.J. Super. Unpub. LEXIS 1615 (App. Div. 2011)
- Gonzalez v. Wilshire Credit Corp., 207 N.J. 557 (2011)
- Dare Invs., LLC v. Chi. Title Ins. Co., 2011 U.S. Dist. Lexis 130288 (D.N.J. 2011)
- Kitchens International v. Evans Cabinet Corp., Ltd., 413 N.J. Super. 107 (App. Div. 2010)
- Chicago Title Insurance Co. v. Anthony F. Natale, 2010 U.S. Dist. Lexis 24072 (D.N.J. 2010)
- Centrum Fin. Servs. v. Chi. Title Ins. Co., 2010 U.S. Dist. Lexis 22902 (D.N.J. 2010)
- Chicago Title Insurance Company v. Daniel Ellis and MS Financial Services, 409 N.J. Super. 444 (N.J. Super. App. Div. 2009)
- Castlewood (US) Inc. v. Nat'l Indem. Co., 2006 U.S. Dist. Lexis 77634 (S.D.N.Y. 2006)
- British Int'l Ins. Co. v. Seguros La Republica, 212 F.2d 138 (2nd Cir.

2000)

- British Int'l Ins. Co. v. Seguros La Republica, 200 F.R.D 586 (W.D. Tex. 2000)
- Pollution Control Fin. Auth. v. County of Somerset, 324 N.J. Super. 391 (App. Div. 1999)
- Resolution Trust Corp. v. Spagnoli, 811 F. Supp. 1005 (D.N.J. 1993)
- Hendrickson v. E.P.C. Real Estate Equities, Inc., 1991 U.S. Dist. Lexis 8341 (D.N.J. 1991)

Speaking Engagements

- March 24, 2021 – First American Title Insurance Company – The Impact of 2020 Court Opinions on Title Insurance
- January 20, 2021 – Strafford live webinar – Title Insurance Coverage for Real Estate Counsel ALTA Coverage and Endorsements for Owners and lenders
- November 23, 2020 – Strafford live webinar – Title Insurance Coverage for Real Estate ALTA Coverage and Endorsements for Owners and Lenders
- October 27, 2020 – Riker Danzig webinar – Loan Workout in the Age of COVID-19
- October 1, 2020 – Riker Danzig webinar – Curing Defects in Deeds and Mortgages and Addressing Loan Fraud Not So Fast, Not All is Lost
- September 15, 2020 – Riker Danzig webinar – Understanding a Lender's Title Insurance Policy: What Every Bank Needs to Know
- August 13, 2020 – Riker Danzig webinar – Remote Notarization: it is Here to Stay
- May 1, 2020 - NJBankers - Remote Notarization during COVID-19
- March 19, 2020 - American Land Title Association - What an Agent Should Do During a Claims Investigation
- December 13, 2019 - The Knowledge Group - Title Insurance and the Real Estate Industry: Looking Back and What's Ahead
- December 10, 2019 - Strafford Webinars - Closing Protection Letters for Title Insurance: Key Provisions, Common Issues, Recent ALTA Revisions

- October 23, 2019 - ALTA ONE Annual Convention - Yes, There Are Claims in Title
- April 5, 2019 - The Knowledge Group - Lender Liability Trends and Updates in 2019: Everything You Need to Know
- April 4, 2019 - Presentation to New Jersey Title Insurance Association Agency Section - Title Exam Blunders: How to Avoid Being Sued
- December 18, 2018 - The Knowledge Group - Trends, Developments and Updates in Real Estate Title and Title Insurance: What to Expect in 2019 and Beyond
- October 11, 2018 - American Land Title Association Annual Conference - Don't be a Claims Casualty
- April 17, 2018 - The Knowledge Group - Avoiding Lender Liability Claims: Best Practices for Your Firm
- November 28, 2017 - Strafford Webinars - Title Insurance Coverage: What Real Estate Counsel Must Know
- September 22, 2017 - The Knowledge Group - Title Insurance: What Lies Ahead in 2017 and Beyond
- May 25, 2017 - The Knowledge Group - Residential Mortgages Lender Liability Litigation: All You Need to Know in 2017
- May 1, 2017 - National Business Institute - Advanced Title Insurance Issues
- March 28, 2017 - Clear Law Institute - What is Covered and What is Not Under Title Insurance Policies?
- December 8, 2016 - National Business Institute - Title Law in New Jersey
- April 13, 2016 - The Knowledge Group - Title Insurance Claims: What You Need to Know in 2016
- December 1, 2015 - Riker Danzig Seminar - The CFPB and RESPA: Recent Developments
- October 22, 2015 - Westcor Land Title Seminar - RESPA and the CFPB: A Dangerous Combination
- April, 2015 - National Business Institute - Title Law From Start to Finish
- November 7, 2014 - Investors Bank Presentation - Back to the

Basics: Title Insurance for Lenders

- July, 2014 - National Business Institute - Advanced Issues in Real Estate Law
- September 27, 2013 - NJ Bankers 2013 Senior Management Conference - The New Residential Mortgage Origination and Servicing Regulatory Landscape
- March 5, 2013- NJ Bankers Association - Foreclosure Seminar
- November, 2012 - NJ Bankers Association - Expedited Foreclosure for Vacant and Abandoned Residential Properties
- September 18, 2012 - National Business Institute - Top 10 Title Defects - Cured
- June 20, 2012- NJ Bankers Association- Compliance Seminar
- November 2, 2011 - National Business Institute - Title Risks and Title Insurance Coverage
- April 13, 2011 - Riker Danzig Seminar - After the Bubble Bursts: Title Insurance Coverage Shockwaves 2011
- January 26, 2010 - Riker Danzig Seminar - Mortgage Fraud: Flips, Forgeries and Other Fictions
- May, 2008 - Riker Danzig Seminar - Shooting the Real Estate Rapids: The Return of Loan Workouts, Foreclosures and Bankruptcies
- April 23, 2008 - Lorman Education Services, Title Examination
- April 3, 2008 - Half Moon Seminars, New Jersey Real Estate Title Defects and Restrictions
- August 16, 2005 - Lorman Education Services, Title Examination and Insurance in New Jersey
- August 19, 2004 - Lorman Education Services, Title Examination and Insurance in New Jersey

Education

University of Virginia School of Law, J.D., 1988

University of Notre Dame, B.A., Government, 1980

Bar Admissions

New Jersey

New York

Pennsylvania

United States District Court, District of New Jersey

United States District Court, Southern District of New York

United States District Court, Eastern District of New York

United States Court of Appeals, Second Circuit

United States Court of Appeals, Third Circuit

United States Supreme Court

Professional Activities

Member, Association of the Federal Bar of New Jersey

Member, American Bar Association

Member, American Land Title Association

Member, New Jersey State Bar Association

Member, Morris County Bar Association

Neutral, *Pro bono* Mediation Program, Morris County Chancery Division

Member, Board of Directors of Zufall Community Health Centers

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