

Rachel R. Friedman

Partner

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(205) 458-5267
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As a member of the Financial Services Litigation Practice Group, Rachel Friedman defends financial institutions from alleged violations of state and federal consumer protection laws at both the trial and appellate levels.

Rachel represents financial institutions such as banks, mortgage lenders, credit card companies, auto finance companies and debt buyers/collectors in consumer lawsuits filed under various state and federal laws, including the Fair Debt Collection Practices Act, the Telephone Consumer Protection Act, the Truth-in-Lending Act, Fair Credit Reporting Act, and the Real Estate Settlement Procedures Act. Rachel's experience includes defending class actions and compelling claims to arbitration. She has also obtained successful outcomes on behalf of clients at the appellate level in both state and federal court. Rachel is licensed in Alabama, Georgia, Virginia, and Illinois, and routinely handles cases in those jurisdictions and throughout the country for her clients.

Rachel is also a contributor to the firm's Consumer Finance Litigation Blog and Blockchain & E-Transactions Law Blog.

Prior to joining Burr & Forman, she served as a Judicial Clerk for The Honorable Sharon L. Blackburn at the U.S. District Court, Northern District of Alabama.

Experience

- Obtained affirmance in Alabama Court of Civil Appeals of dismissal of borrower's breach of contract, fraud, and intentional infliction of emotional distress claims against mortgage lender based on statute of limitations and failure to state a claim upon which relief could be granted.
- Obtained summary judgment in favor of Fair Debt Collection Practices Act ("FDCPA") defendant in putative class action that

PARALEGAL/ASSISTANT

Legal Practice Assistant

Caryn Wingate
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CAPABILITIES

Consumer Finance Litigation & Compliance

Financial Institutions

Financial Institution Disputes

EDUCATION

J.D., Vanderbilt University Law School

B.A., University of Pennsylvania

magna cum laude

LICENSED IN

Alabama

Georgia

Illinois

Virginia

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alleged that the defendant violated the FDCPA by using summons notices in collection actions that allegedly misinformed debtors of their rights under state law.

- Obtained summary judgment in favor of client holding cell tower easement on property sold in tax sale against plaintiff who claimed client's easement was eliminated in tax sale.
- Obtained affirmance in Eleventh Circuit Court of Appeals of order granting motion to compel arbitration in putative class action.
- Obtained partial summary judgment dismissing punitive damages claims against auto finance client in wrongful repossession case.
- Successfully compelled arbitration of putative class action filed by thirteen named plaintiffs, each with different versions of credit card arbitration agreements.

Honors & Recognition

- Named, ALM Southeastern Legal Awards: On the Rise (2023)
- Listed in *The Best Lawyers in America: Ones to Watch*: Financial Services Regulation Law since 2021
- *Mid-South Super Lawyers* "Rising Star," Consumer Law (2016-2020)
- *Alabama Super Lawyers*, "Rising Star" (2014-2015)
- Listed in *The Best Lawyers in America*® Mass Tort litigation/Class Actions-Defendants since 2023

News

- Best Lawyers® 2024 Honors 242 Burr Attorneys, Including 17 "Lawyers of the Year"
Firm News, 08.17.2023
- Three Burr & Forman Attorneys Named to ALM's Southeastern Legal Awards
Firm News, 04.28.2023
- Burr & Forman Successfully Represents Former Amazon Employee in Defense of Claims Alleging a Kickback Conspiracy
Firm News, 04.10.2023
- Four of Burr's Female Partners Featured in B-Metro's 2020 Top Women Attorneys List
Firm News, 08.24.2020
- Burr & Forman Elevates 11 to Partnership
Firm News, 01.07.2019

Speaking Engagements

- "Beyond Bona Fide Error: Emerging FDCPA Defenses," ACA International Convention, Las Vegas, July 29, 2021
Speaking Engagement, 07.29.2021
- "Consumer Communications in a Fintech World," ACA International Convention, San Diego, CA
Speaking Engagement, San Diego, CA, 07.16.2019

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Articles

- "TCPA Update: Circuit Split on Automatic Dialer Definition Sets the Stage for Back-to-Back Supreme Court Rulings," *The Business Lawyer*, Vol. 76, No. 2, p. 729 (Spr. 2021)
Articles / Publications, 04.26.2021
- "TCPA Litigation Update: Enduring Questions After the FCC'S 2015 TCPA Declaratory Ruling," *The Business Lawyer*, Vol. 72, p. 577 (Spr. 2017)
Articles / Publications, 06.25.2019
- "TCPA Litigation Update: Courts Take the Reins in Defining the Statute's Limits," *The Business Lawyer*, Vol. 73, p. 431 (Spr. 2018)
Articles / Publications, 06.25.2019
- "TCPA Update: The D.C. Circuit Rules and Chaos Ensues," *The Business Lawyer*, Vol. 74, p. 581 (Spr. 2019)
Articles / Publications, 06.25.2019
- ATDS Resources - December 2018
Articles / Publications, 12.17.2018

Blog Posts

- Sixth Circuit Dismisses FDCPA Voicemail Case For Lack of Standing
Consumer Finance Litigation, 08.18.2021
- Eleventh Circuit Withholds Mandate in *Hunstein v. Preferred Collection and Management Services, Inc.*
Consumer Finance Litigation, 06.15.2021
- The Consumer Finance Outlook Under a Biden Administration
Consumer Finance Litigation, 11.24.2020
- State Attorneys General, Lawmakers and Banking Groups Urge Congress to Exempt Stimulus Checks from Garnishments
Consumer Finance Litigation, 04.17.2020
- Financial Regulators Update Previous Statement on Loan Modifications and Reporting Pursuant to CARES Act
Consumer Finance Litigation, 04.10.2020

Civic Activities

- Board Member, Women Lawyers Section, Birmingham Bar Association

Professional Activities

- Alabama State Bar
- American Bar Association
- Birmingham Bar Association