



Sabrina A. Neff

PARTNER

HOUSTON, TX

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OVERVIEW

Sabrina focuses her practice on consumer and commercial financial services litigation.

She represents lenders in both state and federal court, defending against suits brought by consumers and asserting creditors' rights in commercial default litigation. She is known for her thorough review of each matter and deep understanding of state and federal common law and regulations governing the activities of financial service companies. This diligence allows her to work with clients to identify the most effective business solution, often avoiding litigation altogether.

Sabrina counsels lenders, debt buyers and collectors both big and small, motor vehicle dealerships and auto lenders, and financial service providers on disputes involving alleged unfair debt collection, deceptive and abusive practices, and other federal and state consumer regulations. She is highly knowledgeable in mortgage litigation and Texas home equity lending, as well as usury laws and interest rate exportation.

Beyond litigation, Sabrina partners with clients to analyze business practices and recommend process improvements to mitigate future legal action. She works to nurture long-term relationships with clients, many of whom consider her an integral part of their decision-making team.

Industry

Financial Services & Capital Markets

Services

Alternative Commercial Finance
Banking & Finance
Commercial Litigation
Consumer Financial Services
Litigation & Alternative Dispute Resolution

Case Study

SpenDebt Accepted to Northwestern Mutual Black Founder's Accelerator With Pro Bono Legal Assistance From HB Communities for Change

HB Communities for Change helped SpenDebt prepare its application for the prestigious accelerator that granted the startup a \$100,000 investment.

Experience

AUTO DEALERSHIPS/FINANCE COMPANIES

- Advised auto finance companies on overlapping framework of state and federal regulations affecting interest rates, retail installment contracts and collection activities.
- Represented auto lenders in title disputes, suits affecting liens, default procedures and repossession, and matters involving transfer of loans or accounts between other auto lenders.
- Defended auto dealerships in consumer actions and disputes involving dealer auction activities.
- Secured dismissal in federal court for national auto lender in case involving discrimination claims brought by consumer.

DEBT BUYERS AND COLLECTORS

- Advised debt buyers and collectors on compliance with federal regulations, such as Fair Debt Collection Practices Act (FDCPA), Fair Credit Reporting Act (FCRA), Telephone Consumer Protection Act (TCPA) and their state corollaries.
- Represented debt collectors in individual suits challenging exportability of interest rates, methods of debt collection, nature of credit reporting and communications with consumers.

Experience

OTHER FINANCE MATTERS

- Served as regulatory and lending counsel to investment firm in its all-cash, \$67 million take-private acquisition of provider of online credit solutions for credit-constrained consumers.
- Represented mortgage lenders and servicers in claims involving fraud, misrepresentation, breach of contract, promissory estoppel, lender-placed insurance and statutory violations of Truth in Lending Act (TILA), Real Estate Settlement Procedures Act (RESPA), FCRA and TCPA.
- Counseled bank and nonbank mortgage lenders and servicers in litigation involving federal and state banking and credit laws, claims arising from nonjudicial foreclosures, and violations of RESPA, Texas Property Code and home equity provisions of Texas Constitution.
- Advised clients regarding claims brought pursuant to consumer protection statutes including FCRA, FDCPA, TILA, TCPA, Texas Debt Collection Act, Texas Deceptive Trade Practices Act and Texas Finance Code.
- Consulted on commercial lending transactions in view of anticipated litigation and enforced rights of commercial lenders through litigation and post-judgment remedies.
- Assisted lenders, debt buyers, debt collectors and other participants navigate marketplace post-*Madden v. Midland Funding* where in order to maximize enforceability of their contracts while minimizing risk.
- Counseled lenders, investors and servicers of home equity loans in time-sensitive ways to respond to threatened or actual litigation in order to safeguard against lien voiding and disgorgement of principal and interest.
- Reached favorable settlement in borrower's suit to invalidate lien and disgorge all loan payments under Texas constitutional home equity provisions, affirming enforceability of lien and protecting lender from disgorgement.

Experience

- Secured over \$10 million in assets on behalf of nonsecured commercial lender from defunct borrower through litigation brought in two states.
- Won summary judgment in state court for lender in complex contract-for-deed litigation brought by borrowers seeking to rescind foreclosure and enjoin eviction.
- Obtained numerous federal court judgments on behalf of commercial lenders on defaulted loans secured by commercial equipment. Negotiated favorable settlement for debt buyer in federal suit involving alleged FCRA violations.
- Conducted multistate loan document review for first fintech company to originate residential real property-backed loans that live on blockchain rather than being tokenized.
- Won Fifth Circuit appeal brought by guarantor seeking to invalidate judgment in favor of Texas lender client. The initially straightforward matter involved a collection on commercial guaranty, but quickly became complicated with multi-state litigation and emerging public policy considerations.

Recognition

- American College of Consumer Financial Services Lawyers, Fellow
- *Texas Monthly*, Top Women Attorneys in Texas, 2020-2021
- Thomson Reuters' *Texas Super Lawyers*, Rising Stars, 2014-2020

Education

- J.D., University of Houston Law Center
 - LEX Award – Legal Analysis, Research and Communication
 - National Moot Court Competition
- M.A., Baylor University
 - Julia and Finlay Graham Writing Award
- B.A., Baylor University
 - Co-founder of tutoring program for underprivileged youth
 - Debate Squad Leadership Award

Admissions

- Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas
- U.S. Tax Court

Community Leadership

One of Sabrina's most rewarding experiences was chairing her church building committee. For five years, she spent nights and weekends collaborating with a diverse group of professionals who volunteered their time and talents fundraising, planning and managing construction of a new building. The project came to fruition on November 3, 2018, at a groundbreaking ceremony.

In addition, Sabrina has been highly active in the Houston Bar Association Auxiliary, which provides a number of community service functions, including legal education for high school students and scholarships to the three law schools in Houston. A member since 2014 and a board member in 2016-2017 and 2019-2020, Sabrina has organized and participated in multiple service projects and fundraisers. She also chaired the organization's Jaworski Scholarship Program in 2016-2017, working to fundraise and award law school scholarships to the profession's up-and-comers.