

Alfred W. J. Marks

Partner

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Overview

Alfred "Al" Marks is an experienced litigator skilled in all phases of litigation, from initial investigations through appeal in federal and state courts and before arbitration panels and agencies. He represents financial institutions, public and private corporations, not-for-profit organizations, and individuals in commercial disputes. He also represents lenders and mortgage loan servicers in matters related to lending practices, loan origination, debt collection practices, loan servicing and deceptive business practices. His practice includes the defense of claims arising under the Truth and Lending Act (TILA), Real Estate Settlement Procedures Act (RESPA), Fair Credit Reporting Act (FCRA) and Fair Debt Collection Practices Act (FDCPA), as well as state and common law claims. In addition, he counsels clients regarding subpoena compliance; litigation avoidance; and the development of strategies, policies and procedures.

Al also has extensive experience representing corporate fiduciaries and individuals in trust and estate matters, including will contests, contested accountings, kinship hearings and defense of breach of fiduciary duty claims.

Al is also an instructor in New York Civil Procedure and an adjunct professor with the Paralegal Certificate Program at Pace University.

Firm Leadership:

- Office Managing Partner, New York

Experience

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.

Successfully represented a mortgage servicer in federal court actions alleging violation of Fair Credit Reporting Act (FCRA)

Successfully represented a financial institution in federal class action involving alleged violations of the Truth in Lending Act (TILA), Real Estate Settlement Procedures Act (RESPA), Fair Debt Collection Practices Act (FDCPA), state deceptive practices statutes and state common law

Obtained dismissals of state class actions against financial institutions involving allegations of improperly charged mortgage assignment and satisfaction fees

Practices & Industries

Complex Commercial Litigation

Consumer Finance & Creditors' Rights

Fiduciary and Probate Litigation

Litigation

Obtained summary judgment for a financial institution acting as a corporate trustee in a federal class action alleging securities fraud and violations of the Trust Indenture Act (TIA) in connection with a corporate reorganization

Successfully defended against an action alleging that a financial institution breached its responsibilities as the record keeper and trustee of several payroll savings deduction plans, where the plan sponsors claimed that as a result of the alleged mishandling of the record keeping function, the plans lost more than 100,000 plan participants and caused the collapse of its business; the plaintiff sought damages in excess of $40 million

Successfully defended a series of actions, including a class action, against a financial institution acting as a corporate trustee, seeking, among other things, rescission of an $86 million municipal bond offering based upon claims of RICO, securities fraud, breach of fiduciary duty, and violation of federal and state statutes

Successfully defended a financial institution against action by a national general contractor based on claims arising out of a $246 million loan for the construction of a hotel and office complex

Negotiated favorable settlement for client in action by Attorney General of New York and a homeowners association seeking damages in excess of $25 million and the remediation of a contaminated site

Successfully defended bank syndicate group in actions seeking to recover in excess of $4 million in broker fees arising out of the sale of a hotel and office building

Successfully represented a major real estate developer in an action to enforce the terms of a construction contract, a commercial real estate purchase agreement, and commercial lease

Successfully defended a landlord in complex action involving tax escalation provisions in Class A building in Manhattan

Successfully represented a major real estate developer in an action related to the termination of a commercial sub-division purchase agreement

Successfully represented a major corporation in an action to enforce the terms of an occupancy agreement, including securing injunctive relief

Successfully represented financial institutions and other corporate clients in a myriad of commercial real estate matters, including without limitation, mortgage foreclosure actions, actions related to options to renew commercial leases, breach of commercial leases and landlord tenant matters

Negotiated favorable settlement for a domestic manufacturer in multi-million dollar RICO action commenced by a competitor

Negotiated favorable settlement for a pharmaceutical company in a multi-million dollar Lanham Act action commenced by a competitor

Represented telecommunications company in an arbitration involving claims concerning the failure to build out a wireless system for EBS spectrum

Successfully defended financial institutions serving in various fiduciary capacities in actions commenced in Surrogate's Court and Supreme Court

Successfully represented fiduciaries and beneficiaries in will contests, contested accountings, and kinship hearings in Surrogate's Court

Obtained favorable federal jury verdict for pro bono client against Fortune 50 former employer alleging claims of race discrimination

Education and Credentials

Education

St. John's University School of Law, J.D., 1986, member, Moot Court Board; Best Brief Writer Award, Niagara International Moot Court Competition

University of Notre Dame, B.A., 1983

Admissions

State of New York

U.S. Supreme Court

U.S. Court of Appeals for the Second Circuit

U.S. District Court, Eastern District of New York

U.S. District Court, Northern District of New York

U.S. District Court, Southern District of New York

Affiliations

New York City Bar Association, Litigation Committee

Association of the Bar of the City of New York

St. John's University Law School Alumni Association

New York State Bar Association

Recognition and Community

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Community Involvement

Member, Notre Dame Alumni Club of Long Island

Member, St. Agnes Fathers' Club

Secretary and Past President, Fairhaven Property Owners Association, Inc.

Youth Athletic Coach

Insights

Class Gifts and NY's 'Adoption Out' Statute: Guidance for NY Fiduciaries on Minimizing Litigation Risks
New York Law Journal, December 13, 2024

The Dead Man's Statute: Effectively Employing CPLR 4519
August 14, 2024

Don't Believe Everything You Read Online: Recent Sanctions Decision Offers Cautionary Tale of Generative AI Risks
February 9, 2024

Legal Updates for Mortgage Lenders and Servicers
February 29, 2024

Questions Surround NY's Controversial New Foreclosure Law
February 14, 2023

Day Pitney Presents Webinar on New York's Controversial Foreclosure Abuse Prevention Act
January 9, 2023

CFPB's Proposed Rule on Time-Barred Debt Disclosures
May 13, 2020

How NY Is Fighting Back Against 'Zombie' Properties
October 18, 2016

Servicers Face New Requirements on NY Vacant REOs
October 10, 2016

Trust & Estate Litigation Update
October 7, 2015

New Law Seeks to Expedite Commencement of Settlement Conferences in New York Residential Foreclosure Actions
August 5, 2013

News

Day Pitney Consumer Finance Team Secures Precedential Victory
February 18, 2021

In The Media

Recent State High Court Decision Clarifies Foreclosure Standing Requirements in New York
Pratt's Journal of Bankruptcy Law, September 25, 2015

Speaker, "Overview of New York Practice," Day Pitney, New York, NY, June 2010, September 2009
June 1, 2010

Overview of New York Practice
June 2010, September 2009