



Oakland County Legal News

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May 1, 2014

CONSUMER COMPLIANCE Attorney gets a chance to 'play' on national stage

BY SHEILA PURSGLOVE
Legal News

The only constant in the mortgage industry over the past several years has been change, according to Marty Frenkel, an attorney with Maddin Hauser in Southfield.

"Navigating this world requires that you continuously learn something new and are willing to adapt," he says. So this niche was ideal for someone drawn to the law by the idea of constantly being intellectually challenged. "Basically, I wanted to do something at which I would never be bored – and, did I ever get what I was asking for!"

An experienced litigator, shareholder, executive committee member and co-chair of Maddin Hauser's Consumer Finance Regulatory Compliance and Real Property Litigation Practice Group, Frenkel has been with the firm since 1997. He specializes in real estate and financial services litigation, quasi-litigation, and regulatory compliance matters

including mortgage, banking, construction and title-related disputes.

Two cases in particular stand out in his mind. In the case of mortgage fraudster Ronnie Duke, nabbed in Saline last June after going on the lam for several months, Frenkel and his colleagues found themselves working for several mortgage servicers in what turned out to be one of the largest mortgage fraud schemes in history.

"Suffice it to say, we worked with government authorities and our clients to unwind a very sophisticated real estate and banking scheme," says Frenkel, a former assistant attorney general. "I loved it because, in a rare instance in private practice, I was able to feel like I was in law enforcement again."

The second was the Independent Foreclosure Review, established to determine whether an estimated 4.5 million eligible homeowners suffered financial injury because of errors or other problems during their home foreclosure process between January 1, 2009 and Decem-

ber 31, 2010. Frenkel is proud to have led his team, as one of only a handful of law firms selected nationwide, to assist the U.S. Office of the Comptroller of the Currency (OCC), and Federal Reserve Board, in the largest mortgage default servicing audit in the country's history.

"Maddin was the smallest law firm selected to be independent legal counsel and was the only Midwest law firm that was chosen to serve in this role," he notes.

"Perhaps in the future there will be time to share the story about the time a mortgage client was sued for intentional infliction of emotional distress to a cat..." he adds with a smile.

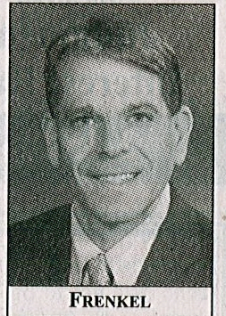
Real property first piqued Frenkel's interest and became a favorite class when he was a student at Wayne Law, where the University of Michigan political science grad earned his juris doctor in 1994, and where he was fortunate to have some "great – and fun – classmates," he says.

But before entering private practice, he spent almost three years as an assistant AG in the Michigan Department of Attorney General, where he specialized in criminal and civil tax fraud prosecution and asset forfeiture.

"What's not to love – assisting in the prosecution of prominent government officials, working with undercover officers, and issuing search warrants – it was a tremendous learning experience," he notes.

After leaving government service, Frenkel joined Maddin Hauser in 1997, where Bob Wartell became his mentor.

"For those who knew Bob, he was one of the deans of real property law in Michigan (See **FRENKEL**, Page 2)



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and was a terrific human being,” he says. “I’m grateful to have had the opportunity to pursue an area of law that I always enjoyed and learn that area from someone that I truly liked and respected. Gradually, my enjoyment for real estate litigation transitioned into lending litigation and, as they say, the rest is history.”

One of the firm’s representatives to the Mortgage Bankers Association, and the Law Firm Alliance, a worldwide confederation of boutique mid-sized law firms, Frenkel assisted Maddin Hauser in developing two proprietary products designed to help the firm’s financial clients.

“Given the upheaval in the mortgage industry, and the extreme costs shouldered by that industry, we thought there has to be a better way to assist our clients in managing these costs,” he explains. “So, we developed ASPECT – a detailed and efficient means for evaluating a client’s compliance with new consumer regulations, as well as L2TK, the Lending Litigation ToolKit – a system for efficiently managing mortgage related litigation. We feel these systems are a unique and innovative way that we can proactively help our clients as a strategic partner and demon-

strate we’re in such relationships for the long haul.”

A member of the national Mortgage Bankers Association Litigation Sub-Committee, Frenkel delivered a presentation at the MBA’s 2009 Legal Issues Conference titled, “Reducing In House Counsel Frustrations and Creating Cost Savings in Litigation Defense: The Outside Counsel Perspective.” He has published numerous articles, including “Navigating the Waters of Real Estate Arbitration,” published in Commercial, Inc. magazine; and “Seven Common Mistakes in Selecting/Managing Outside Counsel in the Mortgage Industry,” published as a three-part series in the Mortgage Bankers Association News Link. He also is an affiliate member of the Associated General Contractors of Michigan.

The Birmingham native and grad of Birmingham Groves High School still lives in his hometown, where he enjoys sports, and is a self-styled “consummate geek.”

“I have a classic baseball card collection, pre-1933, that is my lifelong hobby; and, if given the remote and enough time, I don’t think I would need to watch – other than sports – anything on TV except the History Channel,” he says.

