

Brian Rich

He | Him | His

Partner

New Haven

P: 203.672.2670

brich@barclaydamon.com

Education

- Syracuse University College of Law, JD
- Boston College, BA

Practices & Industries

- Commercial Litigation & Complex Trials
- Restructuring, Bankruptcy & Creditors' Rights

Admitted to Practice

- Connecticut
- Massachusetts
- New York

Court Admissions

- US Court of Appeals for the Second Circuit
- US District Court for the District of Connecticut

Biography

Brian regularly represents some of the world's largest banks and financial institutions as well as local and regional clients. He has consistently been ranked among the top tier of attorneys by national and regional organizations and publications, including being named a 2024 New England Banking and Finance Attorney of the Year by the *Connecticut Law Tribune*.

Brian handles a variety of business and commercial disputes across the country, including contract claims, real estate litigation, contested commercial and residential foreclosure actions, mortgage resolution, unfair business practices actions, and fraud and lender liability claims.

Over the course of his 20-plus-year career, Brian has tried scores of bench and jury trials to conclusion, resolved many more through creative settlements, mediation and alternative dispute resolution, and advised clients through complex litigation and discovery issues. Brian regularly appears in state and federal trial courts in Connecticut and New York, the Connecticut Appellate Court, the Connecticut Supreme Court, and the United States Court of Appeals for the Second Circuit as well as in arbitration and mediation proceedings.

Brian has represented lenders in complex and highly litigated commercial foreclosure actions across the country, obtained a defense verdict on behalf of a Fortune 500 company in a 10-week jury trial, and litigated complex commercial litigation matters through depositions, evidentiary hearings, and court conferences. His practical approach to litigation has resulted in him prevailing in cases others thought could not be won, settling cases others thought could not be settled, and surpassing expectations in delivering superior client service.

As part of his dedication to his clients, Brian offers value-added services, including presenting in-house educational seminars and conducting client site training designed to proactively avoid litigation issues and address them when they arise. Clients often

cite Brian's passion for education and mitigating future problems as a reason why they come to him when inevitable issues arise.

Brian frequently authors legal alerts and thought leadership pieces for industry and legal publications and is regularly asked to contribute pieces for various national, regional, and local organizations. He regularly speaks to industry associations, trade groups, and the business and legal community, including providing continuing legal education.

Bar Associations

- Connecticut Bar Association

Selected Memberships & Affiliations

- Thomson Reuters Practical Law, Contributor
- Turnaround Management Association–Connecticut, Board of Directors, Vice President – Membership
- Connecticut Business Industry Association (CBIA), Member

Representative Experience

- Successfully obtained a defense verdict in favor of a bank client after a two-week jury trial. The jury ultimately rejected the plaintiff's claim for damages related to purported breaches of the settlement agreement and found a substantial offset in favor of the bank.
- Successfully secured summary judgment in favor of a bank client before the Connecticut Appellate Court in the foreclosure of a commercial mortgage note involving a Connecticut hotel and resort.
- Successfully obtained summary judgment in a commercial foreclosure action involving an indoor sports facility of significant economic and social interest to the surrounding community.
- Successfully obtained a defense verdict in a federal jury trial involving claims of violations of the Federal Debt Collection Practices Act (FDCPA).
- Successfully obtained a defense verdict in an action arising out of the alleged rendering of preservation services to a premises in delinquency following a 10-week jury trial.
- Successfully managed a state foreclosure case for an international financial services firm in which a borrower appealed a district court order *sua sponte* ordering remand of federal litigation to state court to the United States Court of Appeals for the Second Circuit.
- Obtained summary judgment in favor of a lender in a federal case alleging violations of the Connecticut Unfair Trade Practices Act (CUTPA) for attempts to collect on a home

equity line of credit account. After extensive litigation, including depositions across the country and a multimillion-dollar demand, the district court dismissed the plaintiff's slander of title count and granted the bank's summary judgment motion.

- Prevailed in a Second Circuit appeal involving a district court's ruling dismissing a petition related to a state foreclosure action with a complex and detailed procedural history involving multiple bankruptcy filings, state court appeals, and federal removal actions.
- Successfully argued the appeal of a trial court ruling ordering the payment of property tax and insurance payments from the borrowers during the pendency of the appeal of a foreclosure action before the Connecticut Appellate Court.

Prior Experience

- Halloran & Sage LLP, Partner

Selected Community Activities

- Mercy Shelter and Housing, Former Trustee and Board Chair

Selected Honors

- *The Best Lawyers in America*®: Banking and Finance Law, 2024–2027; Commercial Litigation, 2022–2027; Litigation – Banking and Finance, 2025–2027; Litigation – Securities, 2023–2027; Mortgage Banking Foreclosure Law, 2023–2027
- New England Legal Awards, Banking and Finance Attorney of the Year, 2024
- Selected to *Super Lawyers* Connecticut Rising Stars: Business Litigation, 2014–2018
- *Hartford Business Journal*, 40 Under 40, 2014
- *Connecticut Law Tribune*, New Leaders in the Law, 2013

Selected Speaking Engagements

- National Business Institute, "Residential Foreclosure Law 2025: Trends, Tactics, Alternatives, and Defenses," Panelist
- Connecticut Bankers Association, “A Primer to Connecticut Banking Foreclosure and Bankruptcy Litigation and the Effects of COVID-19” Webinar
- Pennsylvania Continuing Legal Education Board, “Creative Defense Strategies: The Best Defense Is a Good Offense” CLE
- New England Mortgage Expo, “Financial Institution and Lender Liability Litigation in the Face of the Foreclosure Epidemic; Should We Bank on a Better 2015?”
- Connecticut Mortgage Bankers Association, “Mortgage Fraud: Common Schemes and Potential Red Flags” Seminar
- New England Mortgage Expo, “Banking Litigation: One Step Forward, Two Steps Back”

Selected Media

- Law360, "Foreclosing Lenders Still Floating in Murky Legal Waters in NY"
- *New York Law Journal*, "NY Top Court Punts Certified Foreclosure Question Back to 2nd Circuit"
- *Connecticut Law Tribune*, "Banking and Finance Attorney of the Year Finalists: Brian Rich, Barclay Damon"
- *The Capitol Pressroom*, "New York's Unique Path to Speedy Lawsuit Resolution"
- *Connecticut Law Tribune*, "Foreclosure Challenges Likely to Continue in Connecticut"
- *Credit Union Times*, "Safeguarding Credit Unions Amid Litigious Seas"
- Law360, "Mass. Bill May Alter Deals Involving Both Goods and Services"
- Law360, "Conn. Banking Brief: The Notable Compliance Updates in Q3"

Selected Alerts & Blog Posts

- Alternative Dispute Resolution: A Beginner's Guide to Arbitration, Mediation, and Settlement Conferences
- Here We Go Again: Second Circuit Makes Additional Certification Attempt Regarding the New York Foreclosure Abuse Prevention Act
- Hitting the Reset Button: Second Circuit Decision Highlights Significant Statute of Limitations Issues for New York Foreclosure Plaintiffs

- It's Not Over Yet. Turning Your Judgments Into Dollars.
- Ex Parte Prejudgment Attachment: Connecticut's Secret Sauce