

Joseph H. Hickey

Member

Bloomfield Hills

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Areas Of Practice

Litigation

Financial Services Litigation –
Consumer

Industries

Financial Industry Group

Debt Acquisition Counseling

Bar Admissions

Michigan, 1988

Court Admissions

U.S. Court of Appeals, 3rd Circuit

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 7th Circuit

U.S. District Court, Eastern District
of Michigan

U.S. District Court, Northern
District of Indiana

U.S. District Court, Southern
District of Ohio

U.S. District Court, Western
District of Michigan

U.S. District Court, Eastern District
of Wisconsin

U.S. District Court, Western
District of Wisconsin

Education

University of Toledo, J.D., *magna
cum laude*

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Rockford College, B.A.

Joseph H. Hickey litigates mortgage and consumer lending issues on behalf of some of the nation's largest financial institutions. Mr. Hickey handles litigation and class actions involving federal lending regulations as well as state-specific rules governing credit practices in Michigan and Illinois. Mr. Hickey serves as the Firm's Assistant Leader of the Financial Services Litigation Practice Group.

He works with Bank of America, JPMorgan Chase, EMC Mortgage Corporation and other Dykema clients on disputes relating to credit card and mortgage products; escrow and insurance proceeds; and note and collateral enforcement.

Mr. Hickey also provides legal counsel to banks on portfolio acquisition, management and servicing; commercial lending and commercial mortgage finance, bankruptcy and workouts; and leasing transactions.

Mr. Hickey secured a favorable federal appellate decision for one lending institution when he convinced the court to reject the defaulting borrower's claim that mere use of the "wrong form" provided the right to cancel a note after the rescission period expired - a decision very beneficial to other lenders facing the same issue in other jurisdictions. Mr. Hickey has also obtained numerous favorable decisions at the federal district court level, including (i) dismissal of class claims under the Equal Credit Opportunity Act when the court, adopting his argument that the bank had provided objectively reasonable notice of its reasons for credit declination, rejected the plaintiff's argument that the adverse action notice was incoherent, and (ii) dismissal of "unauthorized use" claims under the Truth In Lending Act where the Court agreed the bank should not be liable because the admittedly fraudulent use of the wrongdoer was authorized by the actions/inactions of the card holder (apparent agency).

Mr. Hickey's representation of a transportation company in the Michigan Supreme Court resulted in the reversal of a lower court decision that, if upheld, would have exposed employers to significant exposure for default judgments based on a former employee's failure to comply with court orders.

Significant Decisions

- *Kim v JPMorgan Chase Bank, N.A.*, 493 Mich. 98; 825 N.W.2d 329 (2012)
- *Mazur v. Washington Mutual Bank*, 2011 WL 108926 (E.D.Mich.)

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- *Riddle v. Chase Home Finance*, 2010 WL 3504020 (E.D. Mich. 2010)
- *Harajli v. Washington Mutual Bank and JPMorgan Chase Bank*, 2010 WL 2813281 (E.D. Mich. 2010)
- *Harris v. The Federal National Mortgage Association, et al.*, 2010 WL 2772501 (E.D. Mich. 2010)
- *Zion v. Washington Mutual Bank and Wells Fargo Bank*, 2010 WL 2560065 (E.D. Mich. 2010)
- *Wells Fargo Bank, N.A. v. MPC Investors, LLC, et al.*, 705 F.Supp.2d 728, 2010 WL 1499291 (E.D. Mich. 2010)
- *Trubiano v. Federal National Mortgage & Chase Home Finance*, 2010 WL 1438979 (E.D. Mich. 2010)
- *Williams, et al. v. JPMorgan Chase Mortgage Acquisition*, 2010 WL 1052356 (E.D. Mich. 2010)
- *Kashat, et al. v. Paramount Bancorp, Inc., et al.*, 2010 WL 538295 (E.D. Mich. 2010)
- *Hazamy v. CitiMortgage, Inc. et al.*, 2010 WL 148227 (E.D. Mich. 2010)
- *Kovacs v. JPMorgan Chase & Co.*, 2010 WL 259049 (E.D. Mich. 2010)
- *Sanford v. Standard Federal Bank, et al.*, 2009 WL 4885241 (E.D. Mich. 2009)
- *Sinishtaj v. Chase Home Finance, LLC, et al.*, 2009 WL 4950464 (E.D. Mich. 2009)
- *Shnell v. Washington Mutual Bank*, 2009 WL 4646908 (E.D. Mich. 2009)
- *Griffin v. JPMorgan Chase Bank, N.A., et al.*, 2009 WL 4506426 (E.D. Mich. 2009)
- *Lynk v. Chase Home Finance, LLC*, 644 F.Supp.2d 868; 2009 WL 2351774 (E.D. Mich. 2009)
- *Asher v. Chase Bank USA, N.A.*, 310 Fed. Appx. 912, 2009 WL 465083, 2009 U.S. App. LEXIS 3733 (7th Cir. 2009)
- *Asher v. Bank One, et al.*, 538 F.Supp.2d 1037 (N.D. Ill. 2008)
- *Asher v. Bank One, et al.*, 553 F.Supp.2d 965 (N.D. Ill. 2008)
- *Williams v. MBNA America Bank, N.A.*, 538 F. Supp.2d 1015 (E.D. Mich. 2008); 2008 WL 559514 (E.D. Mich.); 2008 U.S. Dist. LEXIS 14633
- *Mike's Train House, Inc. v. Lionel, L.L.C.*, 472 F.3d 398 (6th Cir. 2006) (on brief)
- *Mills v. EquiCredit Corp.*, 172 Fed. Appx. 652, 2006 U.S. App. LEXIS 5023, 2006 WL 455158 (6th Cir. 2006)
- *Mills v. EquiCredit Corp.*, 344 F. Supp. 2d 1071 (E.D. Mich. 2004)
- *Mills v. EquiCredit Corp.*, 294 F.Supp. 2d 903 (E.D. Mich. 2003)
- *New Market Acquisitions, Ltd. v. Powerhouse Gym*, 212 F.Supp.2d 763 (S.D. Ohio 2002)
- *Rogers v. J.B. Hunt Transp., Inc.*, 466 Mich. 645, 649 N.W.2d 23 (2002)
- *Marshall v. Navistar Int'l Transp. Corp.*, 168 F.R.D. 606 (1996)
- *Board of Trustees of Trucking Employees of New Jersey Welfare Fund, Inc. - Pension Fund v. Centra*, 983 F.2d 495 (3rd Cir. 1992)

Seminars & Speeches

MBA Educational Webinar - Preparing for Residential Mortgage Litigation Post-CARES Act
August 26, 2020

The Conference Super Session, Panelist, Mortgage Bankers Association's Legal Issues & Regulatory Compliance Conference
May 8, 2019

The Constitutionality of the CFPB's Single Director Structure And Enforcement Actions Under Trump Appointees Mulvaney and Kraninger
February 19, 2019

Digital Mortgages – The Future of Home Loans: eNotes and eMortgages
November 10, 2018

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Predicting the Fact of the CFPB (BCFP) Following the Groundbreaking RD Legal 'Unconstitutional Ruling', ACI's 25th National Forum on Residential Mortgage Regulatory Enforcement & Litigation
October 23, 2018

The Future of Home Loans: eNotes and eMortgages
July 17, 2018

Regtech Fintech Track: Update on eNotes and eMortgages, Speaker, Mortgage Bankers Association's Legal Issues & Regulatory Compliance Conference 2018, Los Angeles, California
May 1, 2018

Publications

"Don't Be a Victim: Knowing Your Rights and Responsibilities to Avoid Employee Credit Card Fraud"
June 2011
Smart Business Detroit

"Emerging Topic: Is a Loan Modification 'Credit' Under the Equal Credit Opportunity Act? According to the Fed, It Is" (Co-authored with Michael J. Blalock and Laura C. Baucus)
Summer/Fall 2010
Conference on Consumer Finance Law Vol. 64, Nos. 2-3

News

Baucus, Hickey and Walls to Address Residential Mortgage Litigation Post-CARES Act in Mortgage Bankers Association Webinar
August 5, 2020

Baucus and Hickey to Present at National Forum on Residential Mortgage Regulatory Enforcement & Litigation
September 6, 2019

Joseph Hickey Serves as Panelist at the Mortgage Bankers Association Legal Issues & Regulatory Compliance Conference
May 13, 2019

Khalil and Hickey Set to Present at Mortgage Bankers Association Legal Issues & Regulatory Compliance Conference
April 26, 2018

Twenty-Five Dykema Lawyers Named to *DBusiness* List of Top Lawyers
November 20, 2013

Dykema Posts Series of Impressive Appellate Wins Over Past Few Months
September 16, 2013

Memberships & Involvement

- Oakland County Bar Association
- American Bar Association

Community/Civic Activities

Danialle Karmanos' Work it Out, Board of Directors

Phantom Regiment Drum & Bugle Corps., Board of Directors

Awards & Recognition

Recognized in *The Best Lawyers in America*® for Commercial Litigation, Banking and Finance Litigation, and Mortgage Banking Foreclosure Law, 2020 and 2021. Copyright 2015 by Woodward/White, Inc., Aiken, SC

Joseph H. Hickey (Cont.)

Named a Top Lawyer by *dbusiness Magazine* for Banking and Financial Service Law, 2010 and 2014

Recipient of an AV[®] Preeminent[™] Rating by *Martindale-Hubbell*