

# JEFF JOYCE

Partner



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## Biography

Jeff Joyce protects the critical business interests of his clients with over 33 years of experience in commercial litigation and the essential ingredients of sound judgment and a tenacious mindset. His representation of loan servicers, loan originators, financial institutions, real estate-based entities, insurance companies, manufacturing and distribution companies, and technology-based enterprises has earned him a strong reputation as a business lawyer.

Recognized as a leader in the legal community, Jeff matches his experience and background with the entrepreneurial practice of law and the flexibility that affords his clients the opportunity to reach a reasonable business solution for their legal problems. Jeff was associated for over 25 years with a 300 lawyer firm where he served as one of its leaders, chairing the firm's Commercial Litigation Practice Group of over 50 professionals and serving on its Executive and Compensation Committees.

## Education and Admissions

The University of Texas School of Law, J.D. cum laude, 1981 (Order of the Coif)

Texas A&M University, B.B.A., magna cum laude, 1978 (Honors Graduate, School of Business)

Admitted to Practice: Texas, U.S. District Court for the Northern, Southern, Eastern and Western Districts of Texas, U.S. Court of Appeals for the Fifth and Second Circuit, U.S. Supreme Court

## Professional and Community Involvement

Member: State Bar of Texas, American Bar Association, Houston Bar Association

## Awards and Recognition

Board Certified in Civil Trial Law by the Texas Board of Legal Specialization

Associate Member, American Board of Trial Advocates

Texas Super Lawyer, Business Litigation, *Law & Politics Magazine*, published in *Texas Monthly*, 2002-2014

"The Best Lawyers in America," 2009 - 2015

Houston's Top Lawyers, Commercial Litigation, Business Litigation, *H Texas*, 2004-06, 2008-15

Top Lawyers, *Houstonia*, 2013, 2014



## Representative Experience

Focus on litigation (trial and appeals) involving loan defaults and recourse carve outs under Commercial Mortgage Backed Securities loans

Work out guidance, planning and strategy for lenders on real estate secured and personal property secured loan transactions

Complex commercial litigation (trial and appellate), including secured lender representation, patent and trademark disputes, antitrust, securities and bank stock financing

Litigation for banking regulatory-related issues, contract claims, the Federal Deposit Insurance Corporation, debt collection, RICO claims, false advertising claims, public utility regulation, foreclosures, real estate developments and investments, construction, bankruptcy and insurance disputes

Presentation of business disputes before arbitration panels and state and federal courts

Matters involving disputes between wholesalers and retailers, insurers and reinsurers, and financial institutions including matters relating to banking operations and loan participations

## Representative Cases

*Cardoni v. Prosperity Bank*, 2015 WL 410589 (S.D. Tex. 2015)

*Wells Fargo Bank, N.A v. Konover*, 2014 WL 3908596 (U.S. Dist. Conn. 2014)

*U.S. Bank, Nat. Ass'n v. Kobernick*, 454 Fed. Appx. 307 (5th Cir. 2011)

*Wells Fargo Bank, N.A v. Konover, et al.*, 259 F.R.D. 206 (U.S. Dist. Conn. 2009)

*Wells Fargo Bank, N.A. v. Diamond Point Plaza Limited Partnership, et al.*, 971 A.2d 360 (Md.Ct.Sp.App. 2009)

*Diamond Point Plaza Limited Partnership, et al. v. Wells Fargo Bank, N.A.*, 929 A.2d 932 (Md.App. 2007)

*City of Houston v. United Water Services, Inc.*, 201 S.W.3d 690 (Tex. 2006)

*Madisonville State Bank, N.A. v. Citizens Bank of Texas, N.A., et al.*, 184 S.W.3d 835 (Tex.App. Beaumont 2006)

*Wells Fargo Bank Minnesota, N.A. v. Diamond Point Plaza L.P., et al.*, 908 A.2d 684 (Md.Ct.Sp. App. 2006)

*United Water Services, Inc. v. The City of Houston*, 137 S.W.3d 747 (Tex.App. (1st Dist.) 2004)

*In re Wells Fargo Bank Minnesota N.A.*, 115 S.W.3d 600 (Tex.App. (14th Dist.) 2003)

*Fetter v. Wells Fargo Bank Texas, N.A.*, 110 S.W.3d 683 (Tex.App. (14th Dist.) 2003)

*Certain Underwriters at Lloyd's London, et al., v. Smith*, 93 S.W.3d 657 (Tex.App. (14th Dist.) 2002)

*Margraves v. State*, 56 S.W.3d 673 (Tex.App. (14th Dist.) 2001)

*Margraves v. State*, 996 S.W.2d 290 (Tex.App.(14th Dist.) 1999)



*Carpenter (Texas) Realty Corporation v. Allen Center Co. # 4*, 974 S.W.2d 808 (Tex.App. (14th Dist.) 1998)

*Tamez v. Certain Underwriters at Lloyd's, London, et al.*, 999 S.W.2d 12 (Tex.App. (14th Dist.) 1998)

*Pickell v. Guaranty National Life Insurance Company*, 917 S.W.2d 439 (Tex.App. (14th Dist.) 1996)

*Cornerstones Municipal Utility District v. Monsanto Company, et al.*, 889 S.W.2d 570 (Tex.App. (14th Dist.) 1994)

*Cornerstones Municipal Utility District v. Monsanto Company, et al.*, 865 S.W.2d 937 (Tex. 1993)

*Gulf States Land & Development Inc., et al., v. The Ouachita National Bank in Monroe*, 612 So.2d 1031 (La.Ct.App. (2nd Cir.) 1993)

*Gulf States Land & Development, Inc., et al., v. Premier Bank N.A., et al.*, 956 F.2d 502 (5th Cir. 1992)

*Texas-New Mexico Power Company v. Texas Industrial Energy Consumers*, 806 S.W.2d 230 (Tex. 1991)

*Ouachita National Bank in Monroe v. Gulf States Land & Development, Inc.*, 579 So.2d 1115 (La.Ct.App. (2d Cir.) 1991)

*Ouachita National Bank v. Palowsky*, 570 So.2d 114 (La.Ct.App. (2d Cir.) 1990)

*United States v. The Federal Deposit Insurance Corporation*, 881 F.2d 207 (5th Cir. 1989)

*Ouachita National Bank in Monroe v. Palowsky*, 554 So.2d 108 (La.Ct.App. (2d Cir.) 1989)

*Huston v. Federal Deposit Insurance Corporation*, 800 S.W.2d 845 (Tex.1990)

*Leach, et al., v. Federal Deposit Insurance Corporation, et al.*, 860 F.2d 1266 (5th Cir. 1988)

*Unites States v. Lemaire*, 826 F.2d 387 (5th Cir. 1987)

*Matter of Brio Petroleum, Inc., Abilene National Bank v. Fina Supply, Inc.*, 800 F.2d 469 (5th Cir. 1986)

*Continental Savings Association v. United States Fidelity and Guaranty Company*, 762 F.2d 1239 (5th Cir. 1985)

*Beckham v. City Wide Air Conditioning Company, Inc.*, 695 S.W.2d 660 (Tex.App. Dallas 1985)

*Financial Universal Corporation v. Mercantile National Bank at Dallas*, 683 S.W.2d 815 (Tex.App. Dallas 1984)

*Holly v. Cannady*, 669 S.W.2d 381 (Tex.App. Dallas 1984)

*Delaporte v. Preston Square, Inc.*, 680 S.W.2d 561 (Tex.App. Dallas 1984)

*Matrix, Inc. v. Provident American Insurance Co., et al.*, 658 S.W.2d 665 (Tex.App. Dallas 1983)

*Huston v. Federal Deposit Insurance Corp., et al.*, 663 S.W.2d 126 (Tex.App. Eastland 1983)



## **Presentation Topics**

Foreclosures

Real Estate Loan Workouts

Lender Liability and Other Complex Litigation Involving Financial Institutions

Injunctions and Other Non-Damage Creditor Remedies

Collecting the Loan After Default

Expert Witnesses in Commercial Litigation

Bad Faith and Fair Dealing

Discovery and Evidence Issues in Commercial Litigation

Venue and Forum Non-Conveniens

Recognizing and Resolving Boundary Disputes

