

DISPUTE AND INVESTIGATION SERVICES

Berkeley Research Group (BRG) financial services experts have extensive experience in assisting financial institutions with litigation and complex business disputes. Our experts recognize the impact of litigation including potential business disruption, reputational damage, and the significant costs associated with performing an investigation and litigating. Supporting these trial-tested professionals is our deep bench of industry and subject-matter technical experts, who assist in research and due-diligence.

BRG is ranked as a “Band 1” global firm for Economic Analysts in Chambers Litigation Support 2020, a comprehensive guide to the leading professional services providers in key markets worldwide for lawyers, general counsel, and companies tackling complex disputes.

BRG experts have worked on some of the most high-profile disputes and investigations over the last two decades. We have deep functional experience across the full spectrum of the industry participants and product categories that can be called upon to support law firms and their financial institution clients’ dispute and investigative needs. We address the challenging aspects of complex disputes through identifying and understanding each case’s unique issues and facts to determine the optimal response. We are adept at articulating our findings in written reports or court testimony. Our professionals serve as expert witnesses on financial, regulatory, and operational issues, including:

- Standard and acceptable mortgage origination and servicing practices
- Credit underwriting and review policies
- Standard and acceptable banking practices
- Adequacy of due diligence and disclosure
- Regulatory capital requirements
- Risk management and internal controls
- Board of director and management responsibilities
- Regulatory expectations set by Office of the Comptroller of the Currency (OCC), Federal Reserve System, Federal Deposit Insurance Corporation (FDIC), and Consumer Financial Protection Bureau (CFPB)
- Generally Accepted Accounting Principles (GAAP), including allowance for loan loss/current expected credit loss (CECL) methodology

We are a unique firm that brings together the right combination of functional skills to solve your most pressing issues. Our experts are a mix of CEOs, CPAs, CROs, former federal and state regulators, Certified Regulatory Compliance Managers, operations specialists, data scientists, technologists, project managers, and auditors.

We understand that high-stakes litigation demands that experts have the requisite industry and subject-matter expertise. Decades of experience and senior leadership roles within regulatory agencies, banks, and other financial institutions provide our experts with key insights into the financial industry and the standards of care required of directors and officers. Our experts have the knowledge and resources to analyze complex causation and damage issues in a cost-effective manner.

Our service and regulatory expertise includes:

REGULATORY AND LEGAL EXPERTISE	- Real Estate Settlement Procedures Act	- Servicemembers Civil Relief Act	- SAFE Act
	- Fair Debt Collection Practices Act	- Truth in Lending Act	- Office of Foreign Assets Control Sanctions programs
	- Home Mortgage Disclosure Act	- Bankruptcy Act	- Know Your Customer requirements
- Dodd–Frank Wall Street Reform and Consumer Protection Act	- Electronic Fund Transfer Act	- General Data Protection Regulation	- eSign
- Telephone Consumer Protection Act	- Bank Secrecy Act		
- Fair Credit Reporting Act	- Gramm–Leach–Bliley Act		
- Military Lending Act	- Home Affordable Modification Program (HAMP)		

The list of regulations above is not exhaustive. With more than forty offices and over 1,200 experts, BRG provides deep knowledge and experience across a wide variety of laws and regulations.

	Consumer Finance	Accounting	Investigation and Internal Reviews	Litigation and Independent Experts
TOPICAL EXPERTISE	<ul style="list-style-type: none"> - Consumer compliance - Loan servicing - Credit underwriting and administration - Quantification of financial harm to customers - Regulatory reporting assessment - Sales practices analysis - Privacy - Information security 	<ul style="list-style-type: none"> - GAAP accounting - Forensic accounting - Stress testing - Liquidity - Capital 	<ul style="list-style-type: none"> - Remediation of material weakness and significant deficiencies - Transaction-related testing - Evaluations of governance/ span control/compliance management systems - Pre-exam diagnostic reviews - Discovery and forensic technology services - Independent consultants/ monitors - Cybersecurity and investigations - Global investigations and strategic intelligence - Vendor and third-party oversight 	<ul style="list-style-type: none"> - Expert testimony (both subject-matter expertise and damages) - Litigation support/consulting - International and domestic arbitration - Class action litigation - MRA closure/cease and desist orders - Business insurance claims - Fraud disputes and claims - Assessment and damages exposure - Damages analysis - Labor and employment - Corporate compliance and risk management - Intellectual property - Antitrust and competition policy
PAST ENGAGEMENTS*	<p>Assessing whether borrowers were charged interest improperly on certain lending products (in excess of both state law limits and contractual terms of the note).</p> <p>Testifying in False Claims Act cases related to the endorsement of Federal Housing Administration loans and HAMP Servicing.</p> <p>Defending management in commercial lending matters where problem loans led to the failure of the institution.</p> <p>Defending institutions related to various unfair, deceptive or abusive acts and practices (UDAAP) brought by the CFPB and state regulators.</p>	<p>Securities and Exchange Commission (SEC) investigations and lawsuits around financial reporting and instrument accounting.</p> <p>Opinion on whether transactions were eligible for gain-on-sale accounting and whether the related gain was appropriate under US GAAP.</p> <p>Assisting the Department of Justice in providing forensic accounting and helping bring charges and a conviction around the mortgage fraud that led to the failure of a major regional bank.</p>	<p>Analyzing litigation exposure and serving as an expert for origination and servicing compliance for Federal Housing Administration, Department of Veterans Affairs, and General Service Administration defaulted and foreclosure loans.</p> <p>Assessing responsibility for large system implementation failures where delivery of the new application or platform was significantly extended or over budget.</p> <p>Evaluating the adequacy of mortgage underwriting and risk management practices.</p>	<p>Defending key members of management related to the largest-ever failure in the US against claims by the FDIC and class-action plaintiffs.</p> <p>Evaluating the mark-to-market processes and related prices and financial reporting disclosures for complex financial instruments in periods of market stress/ illiquidity.</p> <p>Evaluating the sufficiency of mortgage-servicing practices and whether those activities led to undue investor losses.</p> <p>Assessing the appropriateness of the allowance for loan losses and other credit reserves related to failed banks.</p> <p>Providing expert analysis and depository testimony for defendants to provide opinion of home equity line of credit (HELOC) policies, procedures, and practices.</p>

* Note that some engagements took place prior to the expert(s) joining BRG.

BRG has leading technology and analytics solutions to assist a plethora of disputes and investigation needs.

Working extensively with corporate legal and IT departments, BRG experts design and implement practical and sustainable solutions to address challenges associated with the constantly evolving eDiscovery landscape. We help law firms identify opportunities for optimization, from legal hold issuance through data collection, processing, document review, and production, helping them to better serve their clients in disputes and investigations. BRG has automated and enhanced the following processes using artificial intelligence and big data analytics:

Discovery program assessment	Discovery guidelines, playbook, and data mapping
Legal hold and collection technology selection and implementation	Expert and 30(b)(6) testimony and playbook
Litigation project and case management	Court-appointed neutral (discovery dispute resolution)
Discovery project management, hosting, and analytics	eDiscovery vendor selection (RFI/RFP)



About BRG

Berkeley Research Group, LLC (BRG) is a global consulting firm that helps leading organizations advance in three key areas: disputes and investigations, corporate finance, and performance improvement and advisory. Headquartered in California with offices around the world, we are an integrated group of experts, industry leaders, academics, data scientists, and professionals working beyond borders and disciplines. We harness our collective expertise to deliver the inspired insights and practical strategies our clients need to stay ahead of what's next.

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