

Preface

This Revised Edition of *The Law of Lender Liability* provides lawyers, lenders, and borrowers with a comprehensive analysis of common law and statutory theories under which lenders have been sued by borrowers as well as by other lenders. The book explains the elements of each cause of action, describes the applicable statutes and case law developments, and compares and contrasts the varied holdings and reasoning of courts grappling with cases brought under each theory. In addition, case summaries, organized by topic, are collected in appendixes and made available on the CD that accompanies the book. To aid research, a table of cases and subject index also are provided.

Case law and legislation increasing lenders' exposure to liability have expanded dramatically over the years. *The Law of Lender Liability* has responded by incorporating these developments into its coverage in this Revised Edition. In order to assist readers in tracking current litigation, the book now includes a chapter devoted to guarantor liability and sections on privacy, usury, federal agency preemption of state banking law, and the guaranteed student loan program. Other sections of the book have seen significant expansion, such as lender disputes subject to arbitration and cases in which the lender challenges an award of punitive damages.

States and the federal government are constantly enacting new statutes and regulations. Some of these statutes impose additional responsibilities upon lenders, while others provide an opportunity for formerly forbidden lines of business. Some provide borrowers with new bases for suing lenders, while others eliminate theories borrowers have used in the past. To keep the reader apprised of these developments, the Revised Edition includes sections describing laws such as the Gramm-Leach-Bliley Financial Services Modernization Act, the USA PATRIOT Act, the Private Securities Litigation Reform Act, and the Electronic Signatures in Global and National Commerce Act. The book includes an analysis of the regulations that have been issued to accompany many of the new statutes and litigation that has followed.

Attorneys, lenders, and borrowers have relied on *The Law of Lender Liability* for over two decades, since publication of the original edition in 1990.

I wish to thank those persons who have assisted in preparing this book. The law library at Georgia State University College of Law has supplied me with vital resource material. Karen Butler provides valuable secretarial and administrative assistance. Finally, I want to thank my family, Paula, Jessica, Judy, Jeff, Sawyer, Dan, Tina, Jacob, and Noah, without whose loving support this book would not have been written.

Mark E. Budnitz