

Barry A. Smith, Esq.

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Areas of Practice & Industry Specialties

Litigation; Real Estate; Consumer Financial Services and Mortgage Regulatory; Sports Industry Law; Alternative Lenders; Fiduciaries, Receivers & Trustees; Financial Institutions Law; Financial Services Regulatory; Agribusiness; Trust and Estate Litigation

Barry A. Smith is a Shareholder and a senior member of the Firm's Litigation Practice Group and Chairman of the Financial Institutions Practice Group. Mr. Smith focuses his practice on representing financial institutions and other business entities, both domestically and internationally. Mr. Smith has extensive experience in business and commercial litigation, creditors' rights, real estate, loan workouts and restructuring, provisional remedies, receiverships, collections, and post-judgment enforcement. He also handles complex defense litigation including tort, contract law, and real estate.

Mr. Smith is a frequent speaker on creditor's rights, enforcement of judgments, prejudgment remedies, workouts and turnarounds, wrongful termination, sexual harassment, business and banking fraud, arbitration, toxic waste, lender liability, legal ethics, probate estates and trusts, and collection strategy and tactics. He speaks at numerous seminars and conferences including the California Independent Bankers, Risk Management Association, Special Asset Managers Association, National Association of Chinese American Bankers, Western Bankers Association, Western Independent Bankers Association, the Los Angeles County Bar Associations, and the Los Angeles Chamber of Commerce.

Most recently, Mr. Smith was selected to the 2024 Top 50 Lawyers In America list. Mr. Smith is AV Preeminent rated by his peers (5.0/5.0) as being at the highest level of excellence in ethical standards and professional ability. He has also been voted Best of the Best top 1% of America's lawyers, and as America's Most Honored Professional by *The American Registry* since 2017. Every year since 2013, *American Lawyer Media*, in conjunction with *Martindale-Hubbell*, has recognized him as a Southern California Top Rated Lawyer and a Top Rated Lawyer in the areas of Bank & Finance and Commercial Litigation, which appeared in *Corporate Counsel* and the *Los Angeles Times*.

Mr. Smith plays an active role in his community, serving as an active member of a number of associations including the Bank Operations Counsel Association, the Financial Lawyers Conference, the Western Bankers Association, the American Trial Lawyers Association, the Los Angeles Business Trial Lawyers Association, and the California Bank Counsel. Mr. Smith is also a part of the Los Angeles County Bar Association's Commercial Law and Bankruptcy Section as well as the Provisional and Post-Judgment Section. Additionally, Mr. Smith is a member of the International Bankers Association, the Independent Bankers of California, the National Association of Chinese-American Bankers, the Risk Management Association, the Credit Managers Association and the Southern California Mortgage Association. Mr. Smith has experience as a Professor of Law teaching courses on trial tactics and litigation techniques. He is named one of "Who's Who in Banking and Finance" by the *Los Angeles Business Journal*.

Presentations

- Speaker, "Anatomy of a Workout," Western Bankers Association 2019 Lenders and Chief Credit Officers Annual Conference in Dana Point CA

- Speaker, "Prejudgment and Post Judgment Remedies and Alternatives," Special Assets Management Association Conference in Ojai, CA
- Speaker, "Early Warning Signs of a Troubled Loan," East West Bank, Los Angeles Office
- Speaker, "Anatomy of a Workout: Is There A New Playbook?" Commercial Finance Conference of California; Special Assets Management Association
- Speaker, "The Commercial Real Estate Loan Workout – Strategies for Minimizing Losses," REOMAC Commercial Real Estate Summit
- Speaker, "Post-Judgment Remedies and Alternatives," Los Angeles Bar Inn of Court
- Speaker, "Thinking Outside the Box – Effective Recovery Tactics," Special Asset Management Conference in Ojai, CA
- Speaker, "The Real World: Case History of Resolutions by Portfolio Lenders," Trigild Lender Conference in San Diego, CA
- Speaker, "The Most Interesting Loan I Ever Litigated," Risk Management Association Luncheon at the Palm Restaurant in Los Angeles
- Speaker, "Prejudgment and Postjudgment Remedies and Alternatives," Special Assets Management Association's Annual Conference in Santa Barbara, CA
- Speaker, "Hot Topics for Special Assets," Special Asset Management Association Annual Convention in Ojai, CA
- Speaker, "The C&I Loan- Strategies and Alternatives When the Other Shoe Drops," Western Independent Bankers Annual Conference in Scottsdale, AZ
- Co-Speaker, "In-Depth Review of a Guarantor's Personal Financial Condition," Buchalter Nemer Teleseminar
- Moderator, "How to Prevent Fraud," Special Assest Management Association
- Co-speaker, "Pre and Post Judgment Alternatives and Remedies," California Credit Union League
- Speaker, "Leading the Industry: Best Practices in Community Banking," SAMA
- Speaker, "When Good Loans Go Bad," RMA
- Speaker, "The Ten Do's and Don't's in Commercial Lending," California Independent Banker
- Speaker, "Business Loan Hot Topics," the Credit Union Executive Society
- Panelist, "The Non-Performing CRE Loan," the Special Assets Management Association Annual Convention in Carlsbad, CA
- Speaker, "Mortgage Fraud," Credit Union League LA Chapter in Monterey Park

Presentations

- Panelist , "Real Estate Loan Workouts," Annual California Bankers Association Bank Counsel Conference, September 13, 2023
- Panelist, "C&I Workout Loans: Lessons from Past Mistakes, Best Practices, Strategies, and Action Planning ," Risk Management Association Lunch & Learn, May 31, 2023
- Speaker, "A Political Update," 2023 Bank Presidents Seminar, January 11, 2023
- Moderator, ""Lenders under Attack – The Good, the Bad and The Ugly"," Western Banker's Bank Counsel Conference – Las Vegas, November 15, 2022
- Presenter, ""The Loan from Hell" ," Western Banker's Lenders and Chief Creditor Officers Conference – Dana Point, October 23, 2022
- Speaker, "How to Identify Potential Problem Loans in your Loans Portfolio," Risk Management Association, June 29, 2022

- Speaker, "The Workout and/or Settlement Agreement-Twenty Five Must Have but Often Forgotten Provisions," Western Bankers Association 2022 Annual Conference, April 26, 2022
 - Speaker, "The Workout, Modification, Forbearance and/or Settlement Agreement – 28 must have but often forgotten provisions," Risk Management Association Webinar, April 7, 2022
 - Speaker, "The Workout and/or Settlement Agreement-Twenty Five Must Have but Often Forgotten Provisions," Western Bankers Association 2021 Lenders & Chief Credit Officers Conference, November 16, 2021
 - Speaker, "Anatomy of a Workout," IMN's Bank Special Assets & Credit Officer's Forum (West), July 27, 2021
 - Panelist, "A Brave New World – New Laws That Change the Playing Field for Real Estate Lenders," Western Bankers Association 2021 Bank Counsel Virtual Seminar, May 27, 2021
 - Panelist, "Barry Smith and Oren Bitan, Panelists at Risk Management Association Webinar," Inland Empire Risk Management Association Webinar, June 18, 2020
 - Speaker, "My Most Interesting Case," Risk Management Association Conference, October 30, 2019
 - Speaker, "Anatomy of a Workout," Western Bankers Association 2019 Lenders and Chief Credit Officers Annual Conference, October 7, 2019
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Bar Admissions

- California
- U.S. Tax Court

Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California
- Supreme Court of the United States
- U.S. Tax Court