

B. Rush Smith III

Partner

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Rush Smith concentrates on complex civil litigation, primarily consumer class actions. He serves as leader of the Firm's consumer financial services litigation practice group.

Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

Experience

- The defense of consumer class actions in state and federal courts in a number of industries
- The representation of financial institutions in litigation, including mortgage lenders and servicers
- The defense of businesses accused of engaging in the unauthorized practice of law

Representative Cases

- Defended online loan lead generator in multiple coordinated actions involving application of S.C. Mortgage Lending Act
- Represented a provider of online legal forms and services, defending unauthorized practice of law claims in the original jurisdiction of state supreme court
- Coordinated the Firm's defense of numerous class actions arising under the South Carolina "attorney preference" statute
- Served as lead counsel for hospitals in a bilateral class action arising under a tax refund "debt set-off" statute

Education

University of South Carolina School of Law,
JD, cum laude (1989)

- Order of Wig and Robe
- Order of the Coif
- Articles Editor, *South Carolina Law Review* (1988-89)

Clemson University, BS, Engineering
Analysis (1980)

Admissions

South Carolina

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. District Court for the District of South
Carolina

Practice Areas

[Banking & Financial Services](#)

[Consumer Financial Services](#)

[Cybersecurity & Data Breach Response
Litigation](#)

[Multi-Claim & Class Action Litigation](#)

- Represented a state utility in a class actions arising from allegations about rates and disposition of property
- Represented lenders accused of violating the Real Estate Settlement Procedures Act (RESPA) in connection with the payment of broker compensation
- Represented retailers accused of collecting sales taxes from consumers in violation of state law in a bilateral class action
- Represented lenders accused of violating the UCC's "notice of sale" provision
- Represented lenders accused of violation The State's rules governing the unauthorized practice of law
- Represented mortgage insurance company accused of "adverse action" and lender accused of sending unlawful prescreened solicitations under the FCRA
- Represented regulated entity sued by the State for alleged violation of mortgage brokerage laws

Recognitions

The bar rules of some states require that the standards for an attorney's inclusion in certain public accolades or recognitions be provided. When such accolades or recognitions are listed, a hyperlink is provided that leads to a description of the respective selection methodology.

- [The Best Lawyers in America®](#) Lawyer of the Year for Financial Services Regulation Law in Columbia, S.C. (2020)
- [The Best Lawyers in America®](#) – Bet-the-Company Litigation, Commercial Litigation, Banking and Finance Litigation, and Mass Tort Litigation/Class Actions (2003-2020)

Professional Activities

- Business Law Section, Consumer Financial Services Committee, American Bar Association
- International Association of Defense Counsel (IADC)
- John Belton O'Neill Inn of Court
- Richland County Bar Association

Community

Industries

[Banking & Financial Services](#)

[Consumer Products & Retail](#)

[Energy & Utilities](#)

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- Harvest Hope Food Bank, Executive Committee, Governance
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Articles & Speeches

Insights

Litigation Implications of the Dodd Frank Financial Reform Act, *Business Law Today* - Co-Author (September 2010)

Blogs

[FDCPA's Application to Buyers of Defaulted Debt](#), *The Vault* - Author (July 20, 2017)