

People



Howard “Jay” Harrington

Partner, Litigation

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vCard

Howard “Jay” Harrington is a litigation partner in Akerman’s Jacksonville office, with a civil litigation practice focusing on commercial litigation and creditors’ rights. He routinely represents financial institutions and other lenders, as well as all types of businesses and individuals, in all areas of commercial, real estate, and banking litigation. He has handled all stages of litigation, including pre-suit investigations and demands, motion practice, trial, appeal, and post-judgment collection and settlement activity. He has experience with a wide variety of matters, including breach of various types of contracts, commercial foreclosures, state and federal statutory claims, fraud, tortious interference, civil theft, conversion, shareholder or partner disputes, real estate, and breach of warranty, as well as other issues. Jay also has experience defending financial institutions in class action lawsuits.

Notable Work

Financial Institution Commercial Litigation: Defended a large financial institution against claims in a lender liability lawsuit seeking over seven-figures in damages. Plaintiffs alleged that client financial institution had aided and abetted and/or failed to prevent an international wire fraud and boiler room operation orchestrated by third-party actors, who were also named in the lawsuit. Following motion practice and the filing of multiple motions to dismiss, obtained early dismissal of claims against client – without ever having to answer the operative complaint or attend any hearing before the court – while litigation against certain other co-defendants continued.

Commercial Dispute: Represented client in an action for trespass against an operating medical practice. After motion victories early in the case, and obtaining voluntary dismissal of several counts of the counterclaim, successfully obtained summary judgment on a claim for specific performance just a few months into the litigation and successfully moved to dissolve the *lis pendens*.

Areas of Experience

Litigation
 Commercial Disputes
 Commercial Mortgage Foreclosures and Receiverships
 Financial Institutions Commercial Litigation
 Real Estate Litigation
 Secured Financing Litigation

Education

J.D., Northwestern University Pritzker School of Law, 2015, Dean’s List; *Journal of International Law and Business*, Editor
 B.A., University of Central Florida, Spanish, 2012, magna cum laude, National Merit Scholar

Admissions

Bars

Florida

Courts

U.S. District Court, Middle District of Florida
 U.S. District Court, Northern District of Florida
 U.S. District Court, Southern District of Florida

Related Content

Akerman Names 15 New Partners
 November 21, 2023

112 Akerman Lawyers Across the U.S. Named to 2023 *Super Lawyers* and Rising Stars Lists
 September 28, 2023

Record Number of Akerman Lawyers Named to *The Best Lawyers in America* 2024 Guide
 August 22, 2023

Enforcement of Defaulted Loan: Represented a bank in the enforcement of a multimillion dollar (eight figure) loan in default secured by a fleet of tractor-trailers, real estate, and accounts receivable of a trucking company. Following aggressive litigation and collection actions, the borrower and guarantors agreed to a large financial settlement resulting in our client being paid all principal and substantial interest.

Motor Vehicle Manufacturing Litigation: Represented the world's largest manufacturer and leading supplier of recreational vehicles to the U.S. market, as well as recreational vehicle dealers, in defending against claims arising under the Magnusson-Moss Warranty Improvement Act and Florida's Lemon Law relating to alleged vehicle defects and malfunctions. Obtained contested removal of the cases from Florida state court to federal court and enforcement of forum selection clauses requiring the transfer of cases to district courts encompassing counties where the manufacturer and dealer reside, as well as contested state court enforcement of forum selection clauses.

Financial Institution Litigation: Defended publicly-traded financial institution in lawsuit seeking seven-figure recovery for claims of fraudulent concealment, civil conspiracy, and violation of Florida's Deceptive and Unfair Trade Practices Act. Plaintiff wife alleged that financial institution had extended a line of credit to husband, and then, without her consent, used funds to satisfy demand made on financial institution as a result of husband's deposit of disputed checks. Obtained early summary judgment in favor of client financial institution which was affirmed on appeal.

Breach of Fiduciary Duty: Represented a limited partnership and current partner against a former partner and manager for breach of fiduciary duty, conversion, and money lent, and defended claims to rescind and expand the terms of a buy-out agreement, as part of three separate lawsuits and two consolidated appeals; assisted to resolve all lawsuits within six months by obtaining a favorable settlement.

Class Action Litigation: Represented publicly-traded national financial institution in multiple purported class action lawsuits across the country arising out of plaintiffs' alleged entitlement to fees under the recently-enacted Paycheck Protection Program and its implementing regulations. Obtained early dismissal of claims against client, while litigation continued against similarly-situated co-defendant financial institutions for months.

Prior Professional Experience

- Public Defender's Office for the 18th Judicial Circuit, Intern

Affiliations

- Jacksonville Bar Association, Member
- Benevolent and Protective Order of the Elks, Member and Presiding Justice of Lodge #2817
- Chester Bedell Inns of Court, Past Associate Member

Honors and Distinctions

- *The Best Lawyers in America*, 2024, Listed in Florida for Commercial Litigation as "One to Watch"
- *Super Lawyers Magazine*, 2022–2023, Listed in Florida as a "Rising Star" for Business Litigation

- *Jacksonville Business Journal*, 2023, Legal Rising Stars
- AT&T Excellence in Pro Bono Legal Services Award, 2015

Published Work and Lectures

- *Jacksonville Daily Record*, JBA Young Lawyers Section, Co-Author, “Young Lawyers: Drazen v. Pinto May Open the Door to New Arguments,” October 5, 2023
- National Business Institute CLE, Speaker, “Real Estate Foreclosure in Florida, Step by Step,” April 2023
- *Jacksonville Daily Record*, Co-Author, “The Future of Class-Action Lawsuits Related to Bank Fees,” October 6, 2022
- *Jacksonville Daily Record*, Author, “Commentary: Cost-Effective Federal Discovery,” December 5, 2019