



# Kathleen S. McLeroy

SHAREHOLDER

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## Overview

Kathy McLeroy has extensive experience resolving disputes as a litigator, mediator, and arbitrator. As a trial lawyer, she has substantial experience representing creditors in disputes with debtors in all forums, including state court, federal court, bankruptcy court, and in arbitration proceedings. Kathy regularly arbitrates and mediates disputes arising from contract disputes between health care providers. She works with judgment holders to enforce and collect large commercial judgments, both domestic and international.

She also represents commercial banks, mortgage holders, property owners, title insurers, and real estate developers in real property disputes and mortgage foreclosures. Clients seek her guidance on matters involving receivership law, and she serves as a real estate receiver and counsel for receivers.

Kathy earned her MBA and worked as a bank loan officer prior to attending law school. This experience informs her understanding of her banking clients' perspectives, processes, and business needs and goals, particularly when handling disputes, collections, and foreclosures.

In 2004, Kathy was certified by the Florida Supreme Court as a circuit civil and county court mediator. She is also certified to serve as a mediator in matters pending before the U.S. District Court for the Middle District of Florida and the U.S. Bankruptcy Court for the Middle District of Florida. She mediates a variety of commercial disputes including commercial foreclosures, contract disputes, title disputes, and bankruptcy disputes. She is also qualified by the Florida Supreme Court to serve as a court-appointed arbitrator.

Kathy previously chaired the firm's Pro Bono Committee.

## Experience

- Represented secured lenders and indenture trustees in workouts, foreclosures, and bankruptcy matters involving condominium projects, subdivisions, multifamily, commercial, office, and retail properties.
- Represented commercial landlords in disputes with tenants.
- Represented mortgage holders, property owners, title insurers, and real estate developers in real property disputes.

## Representative Cases

- *In re Anchor Glass Container Corp.*, 375 B.R. 683 (Bankr. M.D.Fla.).
- *Townsend v. U.S. Dep't of Agric.*, No. 2:05-cv-00439, 2007 WL 177857 (M.D. Fla.).
- *Naimoli v. Admin. Comm. of the Anchor Glass Container Corp.*, No. 8:05-cv-01879, 2006 WL 2092638 (M.D. Fla.).
- *In re Anchor Glass Container Corp.*, 342 B.R. 878 (Bankr. M.D. Fla. 2005).
- *In re Anchor Glass Container Corp.*, 342 B.R. 872 (Bankr. M.D. Fla. 2005).
- *In re Apache Prods. Co.*, 311 B.R. 288 (Bankr. M.D.Fla. 2004).
- *Amendment to Rules Regulating The Florida Bar*, 797 So. 2d 551 (Fla. 2001).
- *FDIC v. Levine*, 763 So. 2d 344 (Fla. 4th DCA 1998).
- *FDIC v. Levine*, 680 So. 2d 536 (Fla. 4th DCA 1996).
- *Delfrate v. Letts*, No. 8:95-cv-00185, 1996 WL 420880 (M.D. Fla.).
- *FDIC v. Levine*, 651 So. 2d 134 (Fla. 4th DCA 1995).

## All Insights

- 09.15.2021    You Have a Judgment, Now What? Mastering the Art of Judgment Collection  
*Business Law Today*
- 
- 04.02.2020    Bankruptcy Provisions in the CARES Act
- 
- 03.19.2020    COVID-19: What a Lender Can Do to Prepare for the Inevitable Defaults
- 
- 11.19.2015    Our Mini-Theme: Pro Bono for Business Lawyers
- 
- 08.27.2013    What You Must Know About Florida's Commercial Mortgage Foreclosure Process
- 
- 01.03.2012    Nuts and Bolts of the Florida Commercial Mortgage Foreclosure Process
- 
- 05.16.1993    When Does "Paid" Mean Paid?
- 
- 05.06.1993    Rights of Guarantors and Co-makers in Foreclosures and Restructurings
- 
- 01.01.1989    Lender Liability and Discretionary Lending: Putting the Good Faith Performance Standard in Perspective
- 
- 12.14.1982    Interest Rate Futures: A Survey of Hedging Strategies

## All News

- 10.26.2018 Kathleen McLeroy Authors Op-Ed Column for Tampa Bay Times: Elections Matter and Access to Justice Issues Should Count
- 
- 07.09.2018 Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida “Super Lawyers” and “Rising Stars”
- 
- 03.14.2018 The Next Frontier of Mediation: Meditating E-Discovery Issues
- 
- 06.23.2017 Florida Super Lawyers Ranks 92 Carlton Fields Attorneys as 2017 “Super Lawyers” and “Rising Stars”
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- 01.19.2017 Kathleen S. McLeroy Awarded Wm. Reece Smith Jr. Public Service Award

## Recognition

- AV Rated by Martindale-Hubbell
- Florida Super Lawyers, *Super Lawyers Magazine* (2012–2021)
- *The Best Lawyers in America*, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, Commercial Litigation (2019–2022)
- William Reece Smith Jr. Public Service Award, Stetson University College of Law (2017)
- Medal of Honor Award, The Florida Bar Foundation (2016)
- Leadership Award, The Florida Bar Standing Committee on Professionalism (2007)
- The Florida Bar President’s Pro Bono Service Award (2005)
- Service and Recognition Award, University of Tampa National Alumni Association (2004)
- Jimmy Kynes Award for Outstanding Pro Bono Service, Hillsborough County Bar Association (2004)
- Outstanding Pro Bono Service as Client Intake Volunteer, Hillsborough Attorney Volunteer Efforts Program (2001)
- President’s Award for Excellence, The Florida Bar Foundation (2001)
- Carlton Fields Pro Bono Publico Award (2001)

## Professional & Community Involvement

- American Bar Association
  - Business Law Section
    - Co-Chair, Leadership Development Committee (2018–present)
    - Vice Chair, Leadership Development Committee (2017–2018)

- Business Law Today Editorial Board (2012–2017)
    - Section Council (2012–2016)
    - Committee on Committees (2015–2016)
    - Committee on Membership and Outreach (2014–2015)
    - Finance Committee (2012–2014)
    - Nominating Committee (2012)
  - Business Law Section Pro Bono Committee
    - Chair (2009–2012)
    - Vice Chair (2006–2009)
  - Standing Committee on Pro Bono
    - Business Law Section Liaison (2007–2010)
  - Commission on IOLTA (2008–2011)
  - National Public Service Award Selection Committee (2004–present)
- American Bar Foundation
  - Fellow
- The Florida Bar
  - Co-Chair, Pro Bono Legal Services Committee (2012–present)
  - Vision 2016 Commission (2013–2016)
  - Standing Committee on Professionalism (2003–2007)
    - Chair, Hoeveler Judicial Award Committee (2004–2005)
    - Chair, Law Faculty Award Subcommittee (2006–2007)
  - Continuing Legal Education Committee (1992–2002)
    - Vice Chair (2001–2002)
  - Grievance Committee 13A (1999–2002)
    - Chair (2000–2002)
- The Florida Bar Foundation
  - Board of Directors (1999–2010)
  - Executive Committee (2000–2010)
  - Endowment Trustee (2010–2015)
  - Immediate Past President (2009–2010)
  - President (2008–2009)
  - President-Elect (2007–2008)
  - Treasurer (2006–2007)
  - Secretary (2004–2006)
  - Ad Hoc IOTA Rules Committee (2000–2001)
    - Chair (2000–2001)

- Development Committee (2003–2007)
  - Chair (2003–2007)
  - Vice Chair (2001–2003)
- Investment Committee (1999–2002)
- Legal Assistance to the Poor Grant Committee (1999–2008)
  - Chair (2007–2008)
- Grant Program Committee (2003–2008)
  - Chair (2007–2008)
- IOTA Operations Committee (2005–2008)
- Florida Commission on Access to Civil Justice (2014–2018)
  - Executive Committee (2016–2018)
  - Chair, Resource Evaluation Committee (2016–2018)
  - Access and Delivery of Legal Services Subcommittee (2014–2016)
- Florida Justice Technology Center
  - Chair and Board Member (2015–present)
- Hillsborough County Bar Association
  - Chair, Corporate Banking and Business Law Section (1993–1994)
  - Law Week Steering Committee (1996–1998)
- Tampa Bay Bankruptcy Bar Association
  - Board of Directors (1994–1998)
  - Treasurer (1996–1998)
  - Chair, Continuing Legal Education Committee (1994–1996)
- Bay Area Legal Services Inc.
  - Board of Directors (1994–1999, 2002–2007)
  - President (2007, 1998)
  - President-Elect (2006, 1997)
  - Treasurer (1995, 1996, 2005)
- Chief Justice's Advisory Committee for the 2009 Tobias Simon Pro Bono Awards
  - Appointed by the Chief Justice of the Florida Supreme Court
- Ferguson-White American Inn of Court
  - Master (2008–present)
  - Barrister (2004–2008)
- University of Tampa Board of Counselors
  - Steering Committee (1994–2014)
  - Chair (2001–2002)

- Vice Chair (2000–2001)
- University of Tampa Board of Trustees
  - Board Member (2001–2002)
  - Athletics Committee (2002–2010)

## Speaking Engagements

- "Developing Leaders in Law Firms and Legal Departments," ABA Business Law Section (December 14, 2020)
- "COVID-19: What a Lender Can Do to Prepare for the Inevitable Defaults," Carlton Fields (March 19, 2020)
- "Business Law Pro Bono 2010: Best Ideas," ABA Business Law Section's Pro Bono Breakfast Program, San Francisco, CA (August 9, 2010)
- "The Nuts and Bolts of a Commercial Foreclosure Action," Foreclosure Litigation From a Lender's Perspective Seminar, Real Property Section of the St. Petersburg and Clearwater Bar Associations, St. Petersburg, FL (October 8, 2009)
- "Mortgage Foreclosure Intervention Projects," ABA Business Law Panel Discussion, ABA Annual Meeting, New York, NY

## Pro Bono

Kathy has represented numerous individuals in pro bono matters, including landlord-tenant disputes, mortgage foreclosure actions, consumer matters, and collection matters.

For example, Kathy defended a mortgage foreclosure action against a 60-year-old grandmother who was the head of a household consisting of her daughter, her intellectually disabled adult son, and two grandchildren. The lender, an individual who had purchased the mortgage and note from a governmental entity, had begun charging excessive fees that were not provided for in the loan instruments. The lender began applying the mortgage payments to these fees rather than to principal and interest. The lender declared the loan in default and commenced a foreclosure proceeding. After 13 months of litigation, Kathy had the loan, which was at all times current but for the excessive fees, reinstated.

## Credentials

### EDUCATION

- Washington and Lee University School of Law (J.D., cum laude, 1990)
  - *Washington and Lee Law Review*
  - Burks Scholar
  - Sparks Scholar
- Louisiana State University (MBA, summa cum laude, 1986)

### COURT ADMISSIONS

- U.S. Supreme Court
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- Florida State Courts

- Outstanding MBA Student Award
- Louisiana State University (B.S., magna cum laude, 1982)
  - University Award in Finance

#### BAR ADMISSIONS

- Florida

#### INDUSTRY SPECIALIZATION

#### CERTIFICATIONS

- Circuit Civil and County Court Mediator

### Background

- Kathy was a commercial loan officer and a consumer loan officer with Commercial National Bank (now Regions Bank) in Shreveport, Louisiana, prior to attending law school.
- She has served as an adjunct professor at the University of Tampa where she taught Advanced Business Law.

### Areas of Focus

#### PRACTICES

- Creditors' Rights and Bankruptcy
- Distressed Asset and Workout
- Distressed Health Care
- Institutional Investment and Finance
- Litigation and Trials
- Real Property Litigation
- Technology
- Telecommunications
- Title Insurance

#### INDUSTRIES

- Banking, Commercial, and Consumer Finance
- Health Care
- Real Estate