



## **William (Bill) G. Fig**

Partner, Litigation Group Chair

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### **Practice Areas**

Construction  
Litigation

### **Overview**

Bill represents mortgage servicers and lenders in prosecuting and defending mortgage foreclosure actions and defending lenders and servicers in "wrongful foreclosure" lawsuits in state and federal courts in both Oregon and Washington. Bill also represents general contractors, subcontractors, and material suppliers in all aspects relating to their businesses. This includes contract review and drafting, preparing construction bond and lien claims, and litigating all types of payment claims in state and federal courts. He also handles administrative claims against contractors' surety bonds.

In addition, Bill represents small to mid-size businesses with their legal needs, including contract disputes and collection of their accounts receivable. Because debtors sometimes attempt to hide assets or do not voluntarily pay the judgment entered against them, Bill also has extensive experience in pre-judgment provisional process and post-judgment collection enforcement.

### **Education**

J.D., Northwestern School of Law at Lewis and Clark College (1995)  
B.A., Broadcast Journalism, University of North Carolina, Chapel Hill (1989)  
Oregon Trial Advocacy College  
Environmental and Natural Resources Law Certificate, Lewis and Clark College

### **Admitted to Practice**

Oregon State Bar  
U.S. District Court, Oregon  
Washington State Bar  
U.S. District Court, Eastern District of Washington  
U.S. District Court, Western District of Washington  
Court of Federal Claims

### **Representative Cases**

#### **Consumer Protection Act Defense**

We represented a Washington homebuilder in a lawsuit filed against a real estate investor for breach of promissory note and the judicial foreclosure of the trust deed that secured the note. The defendant

investor attempted to avoid liability for his obligations by asserting Washington Consumer Protection Act counterclaims against our client. At the trial court, we prevailed on a motion for summary judgment granting the client's claims against the investor and defeating the investor's Consumer Protection Act counterclaims. The investor appealed the trial court's rulings. On the appeal, we decisively defeated the investor's complex Consumer Protection Act arguments, and the Court of Appeals affirmed the trial court's rulings.

#### **Health Care Facility Construction and Cost Recovery**

We first advised a community hospital on a fast track design/build remedial system in conjunction with construction of a new facility. The property was heavily contaminated by fuel releases from an adjacent gas station. We sued the Responsible Party and obtained full recovery of past costs and a mechanism to recover future costs. We continue to advise the hospital on ongoing remediation and cost recovery issues.

#### **Professional Organizations**

Federal Bar Association  
Multnomah Bar Association  
Oregon State Bar  
Oregon State Bar Construction Group, Treasurer (2016-2017)  
Oregon State Bar Construction Group, Secretary (2018)  
Washington State Bar Association

#### **Publications**

Author of Legal Corner in the Monthly NACM Business Credit Journal, 2005 - 2015  
Author of Provisional Process Chapter in OSB Debtor/Creditor CLE

#### **Articles**

Getting Paid: Practical Collection Alternatives  
Practical Collection Alternatives in Non-Lien Situations  
The Priority of a Construction Lien – An Important But Misunderstood Concept  
OP-ED: Oregon foreclosure litigation — round two  
Top Ten Risks For Dual-Licensed Attorneys  
Beware Elusiveness of Substantial Completion  
The Downside of Construction Liens  
Court Opinions Could Change Residential Lending  
Top Five Legal Issues: A Hit List for Accountants  
CCB Surety Bond Claims – Old Law Gets New Teeth for Material Suppliers & Subcontractors  
Check Scam  
The Charging Order - A Halt to Collection

#### **Speaking Engagements**

Oregon and Washington Construction Lien Law: NACM Oregon (2004 - 2014, 2016 - 2019)  
Bond and Lien Law in Oregon (2017)  
The Nuts and Bolts of Oregon Lien Law: MBA (2017)  
Nuts & Bolts of Commercial Collections : NACM Oregon (2016)  
Lien Law Webinar: OR Construction Lien (2016)  
Lien Law Webinar: WA Construction Lien (2016)  
Your Right to Payment & Available Collections Options: NACM Oregon Annual Meeting (2014)  
Webinar: Personal Guaranties, NACM Oregon (2012)  
Oregon and Washington Lien Laws, Pacific Northwest Credit Conference, NACM Oregon (2010)  
Collection Alternatives for the Family Law Practitioner, Oregon State Bar Family Law Section Meeting (2010)  
Bond Claims: National Association of Credit Managers (2010) Business Procedures to Ensure Payment – NACM Webinar (2010)  
The Tax, Insurance, Bonding, Lien and Contract Issues You will Encounter in the New Construction Climate Sussman Shank LLP, AKT LLP and BW Insurance Company (2010)

Construction Seminar - Protecting Your Right To Payment: Contract Issues, Construction Liens, and Construction (2010)

"Credit Talk" Webinar, NACM Oregon (2010-Present)

Effective Litigation Techniques for Trade Creditors Webinar: NACM Oregon (2010)