



SUSAN MILLER OVERBEY

Partner

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Susan Miller Overbey is a partner at Burke, Warren, MacKay & Serritella, P.C. Ms. Overbey is a member of the firm's Consumer Financial Services Litigation, Class Action Defense, Religious Organizations, and Not-for-Profit Organizations practice groups.

Ms. Overbey has defended banks, mortgage lenders, and related entities in individual actions, contested foreclosures, and consumer class actions brought in state and federal courts, including claims under the Truth in Lending Act, the Real Estate Settlement Procedures Act, and the Fair Debt Collection Practices Act, as well as claims for violations of state consumer protection statutes.

Ms. Overbey also represents religious organizations and not-for-profit organizations in litigation pending in state and federal courts and in alternative dispute resolution settings, including employment matters alleging the negligent hiring and retention of employees, inter-church disputes, and disputes with federal agencies involving religious liberties issues.

Ms. Overbey is licensed to practice in Illinois, the United States District Court for the Northern District of Illinois, the United States District Court for the Northern District of California, the United States District Court for the Southern District of Alabama, and the United States Courts of Appeals for the Seventh, Ninth, and Eleventh Circuits.

While in law school, Ms. Overbey worked as a legal extern for the Honorable Ilana Diamond Rovner of the United States Court of Appeals for the Seventh Circuit. Ms. Overbey was a summer associate with Burke, Warren in 2005.

PRACTICES & INDUSTRIES

Appellate
Banking and Financial Services
Class Action
Consumer Financial Services Litigation
Litigation
Religious Organizations

ADMISSIONS

Illinois
U.S. District Court for the Northern District of Illinois
U.S. District Court for the Southern District of Alabama
U.S. Court of Appeals for the Ninth Circuit
U.S. Court of Appeals for the Eleventh Circuit

EDUCATION

Mount Holyoke College (B.A., *magna cum laude*, 2003)
University of Illinois College of Law (J.D., *cum laude*, 2006)
Externship: Justice Ilana Diamond Rovner, United States Court of Appeals, Seventh Circuit



Experience

The following are examples of decisions in cases in which Ms. Overbey has been significantly involved in representing financial institutions and religious institutions:

- *Anderson, et al. v. Catholic Bishop of Chicago, et al.*, 759 F.3d 645 (7th Cir. 2014) (affirming dismissal of putative class action complaint against Catholic Bishop and the Holy See)
- *Haynes v. EMC Mortg. Corp.*, 205 Cal. Appl. 4th 329 (Cal. App. 1st Dist. 2012) (affirming dismissal of class action complaint and holding assignment did not need to be recorded prior to nonjudicial foreclosure on deed of trust because California statute regarding recording did not apply to deeds of trust)
- *Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034 (9th Cir. 2011) (affirming dismissal of class action complaint alleging fraud and conspiracy based on the use and creation of the MERS system)
- *In re: Mortgage Electronic Registration Systems (MERS) Litigation*, 2011 WL 4550189 (D. Ariz. Oct. 3, 2011) (dismissing consolidated amended complaint in multidistrict litigation alleging fraud and conspiracy based on the use and creation of the MERS system)
- *Quezada v. Loan Center of California, et al.*, 2009 WL 5113506 (E.D. Cal. Dec. 18, 2009) (denying class certification of alleged common law and state consumer fraud claims brought against former loan assignee relating to option ARM loan disclosures)

Insights

NEWS

Burke Warren a Proud Sponsor of Archdiocese of Chicago 2022 Annual Catholic Appeal
News, [October 20, 2022](#)

Burke Warren Selects Christine Eduardo and Mathew Musipa to Participate in the Burke Warren 2022 3L Minority Internship Program
News, [August 29, 2022](#)

Burke Warren a Proud Sponsor of the Archdiocese of Chicago Catholic Schools 2022 Fore the Kids Golf Outing
News, [May 31, 2022](#)

Burke Warren Partner Susan Miller Overbey Quoted in CDLB Article Entitled, "Court lacks jurisdiction over church discipline rules, panel affirms"
News, [January 14, 2022](#)

Burke Warren Secures Win for Client in Religious Liberty Appeals Case
News, [January 13, 2022](#)



Adrian Atwater and Jolisa Warmack, Participants in Burke Warren's Inaugural 3L Minority Internship Program, Accept Offers to Join The Firm
News

Burke Warren Proud to Partner with JPMorgan Chase and Cabrini Green Legal Aid on Key Chicago Area Pro Bono Projects
News

Firm Hosts Not-For-Profit Bootcamp
News, [October 29, 2018](#)

Bootcamp For Not-For-Profit Directors
News, [August 28, 2018](#)

Firm Sends Team To Chase Summit
News, [November 12, 2015](#)

Firm's Overbey and Cox Promoted to Partner
News, [January 8, 2014](#)

ALERTS

The Foreclosure Landscape in the United States: Taking Stock and Looking Ahead
Alert, [June 30, 2021](#)

Recent Trends in Sexual Misconduct Claims and Class Actions
Alert, [October 26, 2020](#)

Maintaining Cybersecurity Vigilance with Remote Workforce
Alert, [March 20, 2020](#)

PUBLICATIONS

Data Security Incidents and Breaches: Prevention and Response
Publication, Chicago Family Business Council, [April 4, 2018](#)