

Diann M. Bartek

Member



Contact

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Overview

In South Texas, when the firm's community banks, credit unions, and other creditor clients need an attorney they can count on, they turn to "Team Bartek." Responsive, resourceful, and recognized for her industry knowledge and effectiveness, Diann Bartek has become a trusted advisor and valued friend for clients throughout the state. With unparalleled efficiency and wealth of experience, Diann immediately attends to new matters and claims, marshalling the best resources to recover on or resolve delinquent obligations.

Diann defends creditors' rights and advises major creditors – primarily banks and other financial institutions – in collection, foreclosure, and bankruptcy matters, as well as in lawsuits against borrowers and guarantors. A formidable litigator, Diann also defends financial institutions in deceptive trade practices, fair debt collection, lien priority, homestead, and general lender liability litigation in state and federal courts and in arbitration.

Diann's approach to representing clients is to "treat each client as if it was her only client." That means being there for her clients when and where they need her. It means sharing the same sense of urgency they do, and it means developing a deep understanding of their priorities, pressures, and practices. She forms enduring professional and personal relationships with her clients based on mutual respect, trust, and candor.

Diann always seeks to save clients time, money, and stress by pursuing negotiation first. She has developed a results-driven approach that resolves most matters through settlement while building trust. When aggressive litigation is necessary, clients rest assured knowing Diann is a fierce advocate dedicated to favorable outcomes.

Areas of client focus

Practices

Restructuring and Bankruptcy
Litigation

Industries

Financial Services
Loan Workouts, Restructuring,
and Bankruptcy
Financial Services Litigation

Experience

Creditors' Rights

- General representation of federal credit unions in collections of real estate notes and mortgages, including home equity loans, through judicial and nonjudicial foreclosure; collection of notes secured by personal property; lawsuits against guarantors; deficiency lawsuits against primary obligors; abstracting of judgments; post judgment discovery; and collection of judgments.
- General representation of a national bank in collection of real estate notes and mortgages, including home equity loans, through judicial and nonjudicial foreclosure; collection of notes secured by personal property; lawsuits against guarantors; deficiency lawsuits against primary obligors; abstracting of judgments; post judgment discovery; and collection of judgments.
- General representation of Texas State Banking Associations in collection of real estate notes and mortgages, including home equity loans, through judicial and nonjudicial foreclosure; collection of notes secured by personal property; lawsuits against guarantors; deficiency lawsuits against primary obligors; abstracting of judgments; post judgment discovery; and collection of judgments.

General Commercial Litigation

- Representation of a national bank in litigation against a bonding company concerning payment and performance bonds for construction of public projects.
- Defense counsel for financial institution in litigation concerning Fair Debt Collection Practices Act, fraud, rescission, homestead and Deceptive Trade Practices – Consumer Protection Act.
- Defense counsel for a national insurance company in litigation concerning breach of management, construction, brokerage and acquisition contracts, misappropriation and misuse of trade name and trade dress.
- Representation of a national insurance company in litigation concerning fraud, breach of fiduciary duty, slander of title and breach of contract.
- Defense counsel for a foreign securities company in litigation concerning securities violations, fraud and negligent misrepresentation; personal jurisdiction over the foreign client was contested, and the case was dismissed on that basis.
- Defense counsel for major automotive finance company in federal court litigation concerning Texas and Federal Fair Debt Collection Practices Acts, assault, trespass and breach of contract.
- Representation of national homebuilder in state court litigation involving purchase and development of subdivisions and specific performance of land purchase contract.
- Defense counsel for a national corporation in products liability litigation.
- Defense counsel for a trust company in litigation concerning the removal of a trustee and appointment of a successor trustee.
- Defense counsel for a national floral company in litigation concerning breach of contract, breach of fiduciary duty, fraud and deceptive trade practices relating to the purchase of assets.
- Representation of a purchaser of approximately 100,000 acres of ranch property in litigation concerning competing claims to certain oil and gas royalties, breach of title warranties and breach of sale agreement.
- Defense counsel for a foreign corporation in litigation involving breach of warranties and violation of the Texas Deceptive Trade Practices Act in connection with the sale and repair of commercial marine engines.

- Defense counsel for a communications company in litigation concerning violation of the Telephone Consumer Protection Act. The case was dismissed by the Federal District Court, and the dismissal was affirmed by the Fifth Circuit Court of Appeals.
- Defense counsel for a broadcasting station in litigation concerning violation of the Telephone Consumer Protection Act in connection with facsimile transmissions.
- Defense counsel for a corporate provider of phone services to prison facilities in litigation concerning dispute as to services provided by major long-distance carrier.
- Representation of numerous financial institutions in connection with debt collection, lien priority and foreclosure of real and personal property security interests.
- Representation of a hospital corporation concerning breach of contract in connection with employment of physicians.
- Defense counsel for financial institutions in litigation concerning lien validity under the Texas business homestead exemption.
- Defense of national bank in state court construction litigation concerning the Federal Truth in Lending Act and Regulation Z.
- Representation of financial institutions in arbitration proceedings of disputes under loan documents, including compelling arbitration and abating state court lawsuits.

Bankruptcy Litigation

- General representation of banks and financial institutions in Chapter 11 bankruptcy cases and in contested matters, including hearings on use of cash collateral, stay relief, objections to exemptions, rejection or assumption of executory contracts and leases, sale of estate property, claims objections, valuation of collateral, estimation of claims, valuation of secured claims, disclosure statements, plan confirmation and dismissal and conversion of cases .
- General representation of banks and financial institutions in Chapter 12 (agricultural) bankruptcy cases and in contested matters therein.
- Representation of commercial landlords in Chapter 11 reorganization cases with respect to administrative claims, termination and modification of real property leases.
- Representation of creditors, secured and unsecured, in numerous adversary proceedings, including objections to discharge; objections to dischargeability of debts; preferential transfers; fraudulent conveyances; and validity, extent and priority of liens; sale of estate property free and clear of co-ownership claims; and declaratory judgments.
- Representation of unsecured creditors' committee and creditor trustee in an adversary proceeding to recover preference payments and post petition payments and to set aside fraudulent conveyance.
- Representation of state bank in United States bankruptcy cases involving real property in Mexico and coordination with Mexican counsel in related concurso proceedings (the Mexican equivalent to bankruptcy).

Credentials

Education

- St. Mary's University School of Law, J.D., *magna cum laude*, 1978
- The University of Texas at Arlington, B.S., 1970

Bar Admissions

- Texas

Professional Recognition

- Recognized in *The Best Lawyers in America*® for Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law; Litigation - Banking and Finance; Litigation - Bankruptcy, 2007-2024
- Recognized by *S.A. Scene*, as an "Outstanding Women in Law" for Bankruptcy and Energy & Oil & Gas, 2022
- Recognized in *Texas Super Lawyers*® for Creditor Debtor Rights: Business; Civil Litigation: Defense; Bankruptcy: Business, 2006-2019
- Martindale-Hubbell® AV® Preeminent™ [Peer Review Rating](#)
- Selected for inclusion as a "Texas Super Lawyer," *Law and Politics Magazine*, 2006-2013
- Bexar County Women's Bar Association and Foundation, Belva Lockwood Outstanding Lawyer Award, 1999

Affiliations

Professional

- Texas Bar Foundation
- American Bar Association
- San Antonio Bar Association
- San Antonio Bar Foundation, Former Board of Trustees Member, Executive Committee and Chair
- Dykema Office Managing Shareholder - McAllen
- American Bankruptcy Institute
- Hidalgo County Bar Association, Hidalgo County Prosperity Task Force Member
- Hidalgo County Women's Bar Association
- Bexar County Women's Bar Association and Foundation, Former Board of Directors Member and Past Vice President
- San Antonio Bankruptcy Bar Association, Past Vice President and Past Board of Directors Member
- St. Mary's Law Alumni Association, Past Vice President and Past Board of Directors Member

Community

- South Texas Museum of History, Trustee, 2015
- South Texas Museum of History, Advisory Board of Trustees, 2013-2014
- Texas Association of Bank Counsel, Former Board of Directors Member
- San Antonio Women's Chamber of Commerce, Former Director
- Big Brothers - Big Sisters - Alamo Area, Former Director
- San Antonio Police Athletic League, Former Director