

CONSUMER REGULATION

Our group focuses on all aspects of consumer financial services regulation, enforcement, and litigation. We provide practical, interdisciplinary advice to help consumer financial service providers structure products and expand operations; develop compliance strategies and programs; manage investigations; and resolve complex issues and disputes.

We help our clients innovate and increase financial inclusion within their regulatory frameworks collaboratively; we investigate consumer allegations and, when necessary, we defend our clients against enforcement actions and litigation of all varieties. Our interdisciplinary group includes seasoned lawyers with law firm, in house and regulatory experience. We focus on delivering understandable and executable advice, considering all the myriad legal and business factors.

We have been successful developing a creative approach to each individual business problem and opportunity.

Consumer Financial Regulatory

Our clients include banks, fintechs, and other financial institutions that provide consumer financial products and services. In particular, we are experienced advising on legal and regulatory matters regarding consumer and alternative lending, mortgage banking, payments services, small business alternative financing (factoring and merchant cash advance), and other credit and debt services. We counsel and defend clients on matters involving state and federal regulators, including the Board of Governors of the Federal Reserve, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, Consumer Financial Protection Bureau, the Federal Trade Commission, as well as state regulators and attorneys general.

Our expertise spans the full panoply of federal and state banking and consumer financial laws and regulations. At the state level, we regularly counsel clients on state licensing laws, state usury laws, and related federal preemption analysis under the National Bank Act and the Federal Deposit Insurance Act, as well as other state-specific requirements applicable to their business. At the federal level, we regulatory counsel clients on the Community Reinvestment Act (CRA), Equal Credit Opportunity Act (ECOA), Electronic Funds Transfer Act (EFTA), Fair Credit Reporting Act (FCRA), Fair Debt Collection Practices Act (FDCPA), Gramm-Leach-Bliley Act (GLBA), Home Mortgage Disclosure Act (HMDA), Real Estate Settlement Procedures Act (RESPA), Truth in Lending Act (TILA), and prohibitions on unfair, abusive, and deceptive practices (UD(A) AP) under the Consumer Financial Protection Act (CFPA) and the FTC Act, including the Telemarketing Sales Rule.

CONSUMER REGULATION

Consumer Finance Investigations

Our consumer group routinely leads credible, cost-efficient, and confidential investigations in the consumer finance arena - often times working across multiple investigating government agencies and jurisdictions. Our clients value our candid and actionable advice, specialized industry knowledge, and project management know-how—all leveraged to manage costs and produce top quality work product.

Consumer Finance Litigation

We defend clients in litigation involving a range of consumer financial products, including mortgages, credit cards, auto loans, and student loans. Our consumer litigators have represented clients in nearly every type of consumer-related dispute, including claims relating to standing; debt collection and credit reporting practices; quiet title; bad faith in loss mitigation negotiations; fraud; personal injury; breach of contract; violations of the discharge injunction, and violations of federal statutes such as UDAAP, RESPA, TILA, and HOEPA. We assess the merits of every claim and apply practical solutions that fit the legal and business needs of the client. Our lawyers work with the client to understand its business practices and goals.

Although we pursue zealous advocacy and are prepared to go to trial when needed, our goal is always to achieve the best result at reasonable expense. To that end, we have often obtained resolutions with practical settlements. In all cases, we seek to understand the motivations and strategy of the other parties and translating that understanding into a solution. We have been successful developing a creative approach to each individual business problem and opportunity.