



K&L GATES

Consumer Financial Services Group

# HIGHLIGHTS OF 2013 ACTIVITIES

K&L Gates consists of more than 2,000 lawyers practicing in 48 offices on five continents around the globe. We maintain one of the most prominent international financial services practices — with more than 200 lawyers representing diversified financial services institutions and their affiliated service providers.

Our clients in the Consumer Financial Services Group represent a cross section of the financial services industry, including traditional financial services companies (such as depository institutions, mortgage banks, consumer finance companies, credit card issuers, auto lenders, loan servicers, broker-dealers, investment banks, hedge funds, money services businesses, prepaid card issuers and sellers, and payment systems providers) as well as nonfinancial companies that might incidentally provide financial services to their customers (such as homebuilders, appraisal management companies, retailers, title insurers and agencies, real estate brokers, relocation service companies, and technology companies).

In addition to negotiating transactions, providing regulatory counseling, defending clients in litigation and government enforcement actions, and advocating on the policy side, our lawyers educate and train clients on the major industry issues of the day. We strive to be leaders in the consumer financial services industry by providing webinars, seminars, client alerts, blog posts, and on-site client training. Below are examples of our group's activities in 2013.

## SELECTED 2013 FIRM ACHIEVEMENTS

In addition to numerous specific recognitions of the firm's partners, practices, offices, and markets, selected 2013 firmwide recognitions include:

- K&L Gates' client service is rated among the best in the world, having been named for the second consecutive year to the BTI Consulting Group's 2014 "BTI Client Service 30," an elite ranking that recognizes the leading law firms in driving superior client relationships according to a survey of general counsel.
- For the fourth consecutive year, K&L Gates was among the top two law firms for first-tier rankings in the 2014 U.S. News-Best Lawyers survey of "Best Law Firms" with more than 200, including 36 national practice rankings and 167 metropolitan rankings in 18 locations. The 2014 rankings included two national Law Firm of the Year recognitions in the areas of Securities Regulation and Criminal Defense: White Collar.

- Named "Law Firm of the Year" by *Mergers & Acquisitions* magazine in 2013.
- For three consecutive years, K&L Gates was named to the "Global 20," being cited as one of the 20 law firms with the greatest global reach and expertise by Law360 in 2013, 2012, and 2011.
- K&L Gates LLP earned top honors as a "Powerhouse" in two categories—Class Actions & Torts and Securities & Finance Litigation—of the BTI Consulting Group's annual *Litigation Outlook* survey. K&L Gates is one of only six law firms clients noted among the best in both areas.

## 2013 REPRESENTATIVE ENGAGEMENTS

### Enforcement

- Represented nationwide mortgage company in an investigation by multi-state mortgage committee, resulting in settlement with 35 states regarding compliance with state mortgage licensing and regulatory requirements.



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- Represented banks in supervisory and enforcement matters with prudential bank regulators involving allegations of unfair and deceptive acts and practices.
- Represented student lender in fair lending examination by the Consumer Financial Protection Bureau (CFPB).
- Represented 11 mortgage lenders in defending investigations by the Department of Justice/U.S. Attorney's Offices and the U.S. Department of Housing and Urban Development (HUD) Office of Inspector General under the False Claims Act and the Financial Institutions Reform, Recovery, and Enforcement Act related to the origination and underwriting of Federal Housing Administration (FHA)-insured loans and the filing of claims on such loans.
- Represented numerous mortgage lenders and servicers in defending enforcement proceedings by HUD involving allegations of noncompliance with FHA regulations regarding the origination and servicing of FHA-insured loans.
- Defended mortgage lender in HUD investigation and settlement involving claims of discrimination in mortgage pricing and underwriting.
- Represented depository institution in CFPB fair lending examination of indirect auto lending practices. Work included collaborating closely with economists to develop statistical models, assisting with evaluation of business practices and developing factual, legal, and analytical defenses.

- Served as counsel in various government investigations, including a Securities and Exchange Commission investigation, related to the sale of more than \$50 billion of residential mortgage-backed securities.
- Defended loan originator in HUD secretary-initiated complaint alleging violation of Fair Housing Act in connection with underwriting loans in which applicants relied on disability income.
- Represented loan originator in FHA mortgage insurance False Claims Act case, including gathering facts and establishing defenses in response to government claims.
- Defended trust company in HUD investigation related to the maintenance of real estate owned property.
- Defended residential mortgage lenders in various HUD and state fair housing agency investigations relating to Fair Housing Act complaints.
- Performed confidential investigation of allegations by internal whistleblower connected to operations of proprietary mutual fund family and affiliated investment advisor.
- Acted as regulatory counsel in connection with various financings and investments in consumer assets, including mortgage loans, automobile loans, time-share loans, consumer loans, motor vehicle service contracts, and other consumer product service contracts.
- Acted as counsel in connection with implementing consent order regarding mortgage foreclosure practices entered into with Board of Governors of the Federal Reserve and the Federal Reserve Bank of New York.
- Counseled a large bank on compliance with regulations and guidelines governing the origination and servicing of government insured and guaranteed residential mortgage loans, including those insured or guaranteed by HUD, Veterans Affairs, and Agriculture. This work has included a comprehensive survey of requirements applicable to default servicing, loss mitigation, and foreclosure as well as requirements related to the origination of single-family residential mortgage loans; specialized compliance reviews; drafting, reviewing, and amending policies and procedures and quality control processes, customer relief provisions, and national servicing standards.
- Developed compliance policies and procedures on behalf of one of the largest and most influential trade associations in our industry addressing the CFPB's newly finalized servicing standards to be utilized by its members. Also assisted in analyzing and prioritizing critical open issues in the servicing rule that need clarification from the CFPB.
- Provide ongoing advice and counsel regarding the sales and servicing requirements of the two government-sponsored enterprises, Fannie Mae and Freddie Mac.
- Monitored legislative and regulatory activity impacting the business of appraisal management companies (AMCs), assisted clients in obtaining AMC licenses and requesting applicable exemptions, facilitated client efforts to comment on proposed state and federal regulations, prepared research memoranda on AMC statutory requirements, and represented clients in enforcement proceedings before state appraisal boards. Assisted clients in analyzing and incorporating into their policies and procedures new statutory and regulatory requirements impacting the appraisal industry.
- Counseled clients on compliance with regulations and guidelines governing the servicing industry, with recent focus on the implementation of the CFPB's newly finalized servicing standards, including developing loss mitigation programs and related compliance policies and procedures for their loan servicing operations and reviewing servicing policies and procedures in advance of CFPB examination.
- Represented an excess deposit insurer of cooperative banks in Massachusetts on various regulatory issues affecting member banks and on issues arising in connection with troubled member banks.

## Compliance and Regulatory Matters

- Advised clients on implementation of CFPB regulations on ability to repay, loan originator compensation, and servicing.
- Advised several lender and investor clients on the new statutory and regulatory requirements relating to ability to repay, loan originator compensation, adverse steering, and integrated disclosures.
- Conducted enterprise-wide review of company's business lines, operations, and products to assess the level of potential risks to consumers and evaluated the company's compliance management program.
- Performed CFPB readiness reviews for bank and nonbank mortgage and consumer lenders and servicers in anticipation of CFPB compliance exams.
- Developed and implemented fair lending compliance monitoring programs for banks and nonbank lenders.



# “K&L Gates has a standout financial services team with impressive strength in the consumer finance area.”

– *Chambers USA 2013*

- Served as private mortgage insurer’s government affairs counsel as a registered lobbyist with respect to the financial services reform under the Dodd-Frank Act and other congressional initiatives.
- Submitted a comment letter to HUD in connection with its proposed rulemaking on the “discriminatory effects standard” of the Fair Housing Act, 42 U.S.C. §§ 3601, et seq. The letter urged HUD to revise the proposed rule to make clear that the Fair Housing Act does not encompass disparate-impact liability, or in the alternative, adopt a burden and standard of proof for that type of claim based on governing Supreme Court jurisprudence.
- Advised major mortgage-backed securities trading organization regarding applicability of disparate-impact theory under the Fair Housing Act to decisions to exclude trading of mortgage loans within jurisdictions that have implemented bylaws to use eminent domain powers to purchase and refinance the loans of underwater borrowers.
- Assisted clients to develop a framework to evaluate private flood insurance policies, provide comprehensive reviews of clients’ flood insurance policies and procedures for compliance with all applicable federal laws, rules, and guidance, and for internal consistency, and advised clients on compliance with federal flood insurance requirements, addressing issues involving complex financial transactions (securitizations, bond transactions, cross-collateralizations) and the implementation of the Biggert-Waters Flood Insurance Reform Act.
- Advised clients in implementing the CFPB’s Equal Credit Opportunity Act (ECOA) Valuation Rule including the application of the rule to origination as well as servicing activities, including the application of the rule to loan modifications, short sales, and deeds in lieu of foreclosure.
- Advised lenders, payment system operators, and organizations on substantial Australian privacy reforms commencing on March 12, 2014. These reforms introduce significant new penalties. The work includes completing an information audit and identifying the

information flows within the organization. Following an audit, we have assisted in drafting new consents and statements, amending policies, and advising on risks associated with information handling procedures.

- Conducted an audit of a large credit card provider’s operations, policies, procedures, and products to assess compliance with the Australian consumer financial services regulatory regime. Identifying the potential risks and advising on appropriate remedial action for the breaches.
- Acted as regulatory counsel for a large credit reporting bureau and regularly advised on privacy law reforms, including the introduction of comprehensive or positive credit reporting in March 2014. This includes advising on wholesale regulatory change, product design, entity structure, commercial and consumer agreements, and all aspects of product development from design to terms and conditions.
- Acted as regulatory counsel for an organization setting up as a crowdfunder. We assisted the organization by advising on business structure, drafting the required licensing documents, drafting the disclosure documents for investors, and liaising with the government, as appropriate, to discuss regulatory framework.
- Advised a major Australian bank on the development and design of an account aggregation services including developing Internet terms and conditions. K&L Gates also advised on the various risks associated with offering such a service and how to best mitigate those risks.
- Advised on Australian regulatory issues for an international payment system operator currently setting up operations in Australia. K&L Gates has advised on the licensing regimes that are applicable to payment system operator and how to best brief the regulators on the new technology.

## Transactions

- Represented a residential mortgage loan servicer in sale of all of its stock to American Capital Mortgage (public REIT) and disposition of unwanted assets in connection with the sale.
- Represented client in offering of \$250 million of 9.375 percent Senior Secured Notes in a 144A placement. Jeffries was the sole book-running manager. The notes are secured by all of the client’s assets, which are principally mortgage-servicing rights and guaranteed by its operating subsidiaries.
- Represented client in the public tender offer for all of the outstanding common stock of CreXus Investment Corporation, a NYSE-listed REIT and subsequent merger of CreXus into a subsidiary of Annaly. The total purchase was slightly under \$1 billion. The firm also successfully represented the client in the subsequent shareholder derivative lawsuits.
- Represented client in a public offering of \$200 million of Series B Cumulative Preferred Stock. Morgan Stanley, JP Morgan, UBS, and Wells Fargo were joint lead managers.
- Represented a national bank in sales of servicing rights related to residential mortgage loans with aggregate balances in excess of \$370 billion, including concurrent and coordinated individual sales of sales of servicing rights related to pools with aggregate balances of \$215 billion and \$93 billion. The servicing rights related to loans owned by and securitized with Fannie Mae, Freddie Mac, Ginnie Mae, and private label securitizations, and involved agreements with Fannie Mae and Freddie Mac for allocations of related liabilities and settlements of claims. The transactions involved detailed arrange-



ments for ongoing compliance with consumer-protection regulations and other requirements.

- Represented a nonbank purchaser of Fannie Mae, Freddie Mac, and Ginnie Mae mortgage servicing rights in a coordinated program of purchases. Transactions involved approximately 15 different sellers, in agreements in excess of such number, and included bulk and flow (including concurrent transfer) purchases. Our work for this client also included negotiation of multiple sub-servicing agreements and related arrangement for servicing of related loans.
- Served as primary transactional and regulatory counsel for a large financial services corporation in connection with the reloadable card program with major retailer. Also served as primary counsel for the development of several general purpose reloadable card products.
- Represented asset management firm in connection with its investments in bank-issued securities, including purchases of securities from the U.S. Treasury that were originally issued by banks under the Capital Purchase Program under the Troubled Asset Relief Program authorized by the Emergency Economic Stability Act of 2008.
- Assisted client in sales of residential mortgage operations following decision of parent insurance company to exit the business. Work included plans for separate transactions to sell loan

origination business, reverse-mortgage business, loan servicing business, flood insurance certification business, and revolving commercial credit business.

- Negotiated and documented consumer loan origination and servicing software and outsourcing relationship with third-party vendor.
- Represented various banks in their mergers with another bank and rebranding in connection therewith.
- Represented mortgage company in the negotiation and formation of a joint venture with one of the nation's largest homebuilders to provide purchase money and residential mortgage loans to customers.
- Represented national bank in the asset sale of its residential mortgage division to a privately held purchaser.
- Represented asset manager in its stock acquisition of a mortgage company involved in the origination, sale, and servicing of residential mortgage loans. The transaction involved complex state licensing and compliance matters and substantial corporate and loan-level due diligence.
- Represented a newly formed nonbank purchaser of Fannie Mae and Freddie Mac mortgage servicing rights in establishment of a program for purchases of, and issuance of participation interests in, servicing rights to investment funds.

- Represented multiple institutions engaged in wealth management in negotiation of "private label" loan origination and servicing arrangements with third-party vendor. This work included adjustments for new regulatory requirements and regimes, changes in underlying structures of arrangements, and evaluation of and advice concerning existing arrangements with such vendor.
- Represented and advised a national bank in connection with arrangements for bulk and flow purchases, servicing, and sale of residential mortgage loans. Transactions included private sales and servicing, small and large loan originators and purchasers, and sales to Fannie Mae. Transactions were motivated by a variety of strategic business purposes and for compliance with Community Reinvestment Act requirements, requiring a variety of different terms and approaches and related regulatory advice.
- Represented a credit union in negotiation of arrangements for origination, sale, and servicing of education loans, including agreements with separate outsource service providers for origination and servicing, and agreements with program sponsor for administration of program and future sales of loans. Work included advice on consumer regulatory compliance and banking matters.
- Assisted a leading mortgage company in outsourcing its consumer website and incorporating material features and functionality unique in the industry.
- Structured, drafted, and negotiated cloud agreements, professional services agreements, and software licenses related to the information technology infrastructure and systems for national banks.
- Represented insurance company in connection with \$60 million takedown of entire subordinate tranche of an auto ABS warehouse facility.
- Appointed as designated arranger and dealer counsel and as trustee counsel in relation to Clydesdale £20 billion residential mortgage-backed note program. In 2013, we advised a bank as arranger, and other entities as dealers, on the issuance of approximately \$800 million Series 2013-1 Notes off the program.

- Acted for a major international investment bank in connection with the structuring, documentation, and implementation of two repo-backed note transactions.
- Acted for a major Swiss bank and its English subsidiary in connection with a secured mortgage bond transaction.
- Advised a bank in its role as collateral manager in relation to a European cash collateralized loan obligation (CLO) backed by a portfolio of assets primarily originated by the bank. This was the first post-crisis CLO 2.0 in Europe and is one of a number of U.S. and European CLO transactions that we advised on in the nascent CLO 2.0 market.
- Served as arranger and bookrunner counsel, trustee counsel, and legal documentation drafting counsel in relation to the £350 million issue of fixed-rate asset-backed bonds due 2053 by a leading UK housing association. The structure includes retained proceeds and retained bonds features, fixed security over a portfolio of social housing properties, and flexibility allowing funds to be used by certain other group members.

## Litigation

- Successfully defended national bank client in a five-week class action jury trial challenging the use of an affiliated business arrangement under the federal Real Estate Settlement Procedures Act. The jury rejected plaintiffs' claim that the ABA mortgage company was a "sham entity" that was used to funnel illegal referral fees and kickbacks. In a related action, we also obtained judgment in the client's favor in connection with claims that the bank and the ABA violated the Maryland Finder's Fee Act.
- Handled several residential mortgage loan servicing litigation matters, including:
  - Served as national counsel in 15–20 putative class actions around the country alleging violations of consumer-banking and credit laws and, in particular, the Home Affordable Modification Program.
  - Served as outside managing counsel for mortgage loan servicer and predecessor servicing company

in multiple putative class actions, mass actions, and individual actions throughout the country. Recent litigation highlights include successful appeal before the West Virginia Supreme Court Appeals on arbitration and class action waiver issues and dismissal of various cases, including mass actions in federal and state courts.

- Represented a large bank in a Massachusetts attorney general enforcement action alleging unfair and deceptive acts in connection with mortgage foreclosure and recordation practices.
- Represented leading financial institution in several putative class actions alleging that defendants unlawfully failed to record mortgage assignments with respect to loans for which MERS is named as the nominee of the lender and its assigns.
- Served as national coordinating counsel for a large servicer to address redaction issues in over 90 jurisdictions.
- Represented leading financial institution in putative Pennsylvania class action alleging that defendant loan servicers and note holder violated state and federal law and improperly applied payments to escrow account in connection with the servicing of plaintiff's loan. Obtained summary judgment in favor of client on all claims brought by plaintiff on eve of class certification hearing.
- Defended loan originator in putative nationwide class action lawsuit alleging violation of Fair Housing Act in connection with underwriting loans in which applicants relied on maternity-leave income.
- Defended national retailer in putative class action lawsuit alleging collection of personal identifying information purportedly in violation of Massachusetts credit card transaction statute and Massachusetts unfair and deceptive acts and practices statute. Successfully resolved matter on behalf of client.
- Advised major mortgage lending trade organizations in analyzing whether to bring a declaratory judgment action challenging HUD's ability to promulgate a disparate-impact rule under the Fair Housing Act.
- Filed two briefs as amicus curiae on behalf of a group of trade organizations. The first brief urged the Supreme Court to grant the petition for a writ of certiorari in *Township of Mount Holly, New Jersey v. Mount Holly Garden Citizens in Action, Inc.* to resolve the important federal question of whether the Fair Housing Act recognizes a disparate-impact theory. The Court granted certiorari and accepted the case for review. The second brief addressed the merits of the question presented and described the conflicting interpretations of the Act over several decades and highlighted the harm to the lending industry caused by the disparate-impact approach.
- Filed a brief as amicus curiae on behalf of a group of trade organizations in support of the petitioners in *Magner v. City of St. Paul, Minn.*, which the court had accepted to resolve the important federal question of whether the Fair Housing Act recognizes a disparate-impact theory. The brief described the conflicting interpretations of the Act over several decades and highlighted the harm to the lending industry caused by the disparate-impact approach.



## Licensing

- Assisted various clients with state and agency change in control filings, subsequent name changes, legal entity conversions, and licensing for expansion of activities, including for a publicly traded real estate invested trust (REIT), an employee stock ownership plan (ESOP), reverse lenders, loan servicers, forward lenders, and an online lead generator.
- Analyzed licensing requirements for third-party processors and underwriters, off shore mortgage servicers, commercial lenders, consumer lenders, financial advisors, sales finance companies, collection agencies, debt buyers, loan modification activities, real estate brokering activities, and online lead aggregators.
- Assisted clients to obtain origination, servicing, money transmitter, collection agency, sales finance, commercial lender, consumer lender, and mortgage broker licenses in connection with asset acquisitions, corporate restructurings, and *de novo* entities.
- Assisted clients in maintaining and renewing all manner of state licenses; filing periodic and annual state reports, including the MCR; amending and correcting NMLS Account Records; and assisting in preparing replies to audits or examinations of licensees.

## WEBINARS

### What the F?

The Government's aggressive prosecutions under the False Claims Act and FIRREA

Presented by: Walter P. Loughlin, Michael J. Missal, Phillip L. Schulman  
January 16, 2013

### Ability-to-Repay, QM, and Points/Fees: What You Really Need to Know

Presented by: Kristie D. Kully, Phillip L. Schulman, Jonathan D. Jaffe, David A. Tallman  
January 30, 2013

### CFPB's New Servicing Rules: Game Changer?

Presented by: Nanci L. Weissgold  
February 13, 2013

### CFPB Final Servicing Standards

Presented by: Nanci L. Weissgold, Krista Cooley, Kerri M. Smith  
February 27, 2013

### HUD Disparate Impact Rule—Understanding the Fair Housing Act's Discriminatory Effects Standard

Presented by: Melanie Brody, Paul F. Hancock, Andrew C. Glass  
March 7, 2013

### Appraisals and Higher-Risk Mortgage Loans

Presented by: Nanci L. Weissgold  
March 19, 2013

### Licensing Requirements for Emerging Payments Systems: Are You Legit to Transmit?

Presented by: Steven M. Kaplan, Costas A. Avrakotos, David L. Beam, Stacey L. Riggan, Dana Lopez  
March 26, 2013

### Drilling Down on RESPA: How to Comply

Presented by: Phillip L. Schulman, Holly Spencer Bunting  
April 23, 2013

### MBA Compliance Essentials: RESPA I Webinar

Presented by: Phillip L. Schulman  
July 9, 2013

### MBA Compliance Essentials: National Servicing Standards Webinar

Presented by: Nanci L. Weissgold, David A. Tallman, Kerri M. Smith  
July 10, 2013

### Getting Ready for QM: Pointers on Points and Fees, Fair Lending, Checklists and Other QM Issues

Presented by: Jonathan D. Jaffe, Nanci L. Weissgold  
July 23, 2013

### The New Responsible Business Conduct Guidelines and Party Cooperation in Enforcement Investigations: Will the CFPB Give Credit Where Credit Is Due?

Presented by: Melanie Brody, Carol Elder Bruce, Michael J. Missal, Stephanie C. Robinson  
July 30, 2013

### Legal Challenges for Cross Border Payment Systems and Consumer Financial Services

Presented by: Steven M. Kaplan, David L. Beam, Andrea Beatty, Mary Baker, Sean P. Donovan-Smith  
October 16, 2013

## SYMPOSIUM

### Fair and Responsible Banking Symposium

Hosted by the Consumer Financial Services group and Ernst & Young  
May 9, 2013

## GOVERNMENTAL TESTIMONY

Laurence E. Platt testified at a hearing held by the Committee on Senate Banking, Housing, and Urban Affairs on October 29. The hearing was one of several designed to examine housing finance reform and the essentials of a functioning housing finance system in the committee's continuing deliberations over the fate of Fannie Mae and Freddie Mac and other provisions in the proposed Housing Finance Reform and Taxpayer Protection Act of 2013.

## ALERTS AND PUBLICATIONS

### Financial Services Update

Financial Services Alert  
By: Jim Bulling, Andrea Beatty, Abhishek Bansal, Daad Soufi  
February, 2013

### Careful What You Wish For — United States Supreme Court Rules that Prevailing Defendants in FDCPA Cases May Recover Costs Without Having to Show that Case Was Brought in Bad Faith

Consumer Financial Services Alert  
By: Steven M. Kaplan, Gregory N. Blase  
March 1, 2013

### HUD Final Rule on Disparate Impact Under the Fair Housing Act

Consumer Financial Services Alert  
By: Melanie Brody, Andrew C. Glass, Paul F. Hancock, Tori K. Shinohara  
March 12, 2013

“They are the go-to team when discussing state and federal regulation in the mortgage arena...”

— Chambers USA 2013

**More Paper? CFPB Revamps Disclosure and Delivery Requirements for Valuations under ECOA**

Consumer Financial Services Alert

By: Nanci L. Weissgold, Kathryn S. Williams  
April 4, 2013

**Virtual Currency Under Federal Anti-Money Laundering Laws: FinCEN Provides Guidance**

Consumer Financial Services Alert

By: David L. Beam  
April 5, 2013

**CFPB Solidifies Loan Originator Compensation Restrictions, Dumps Zero-Zero Requirement**

Consumer Financial Services Alert

By: Melanie Brody, Jonathan D. Jaffe, Kristie D. Kully, Eric Mitzenmacher  
April 24, 2013

**Insurance Coverage for CFPB Investigations and Enforcement Actions**

Insurance Coverage Alert

By: Gregory S. Wright, Stephanie C. Robinson, Nanci L. Weissgold  
April 25, 2013

**Was Chicken Little an Optimist?**

Consumer Financial Services Alert

By: Jonathan D. Jaffe, Kristie D. Kully, David A. Tallman, Andrew L. Caplan, Eric Mitzenmacher  
May 23, 2013

**Mandatory Notification a Step Closer to Reality for Serious Privacy Breaches**

By: Cameron Abbott, Andrea Beatty, Rob Pulham, Miranda Skelley  
May 27, 2013

**CFPB's RESPA Radar Pointed at Affiliated Business Arrangements**

Consumer Financial Services Alert

By: Holly Spencer Bunting  
June 17, 2013

**When Almost is Not Good Enough**

Consumer Financial Services Alert

By: Laurence E. Platt  
June 24, 2013

**Mandatory Data Breach Reporting Bill Introduced into Parliament**

Privacy Alert

By: Andrea Beatty, Cameron Abbott, Jim Bulling, Mark Feetham, Jason Vongratsavai  
June 27, 2013

**Guilty Unless Proven Innocent: FHA's Potential New Enforcement Regime**

Consumer Financial Services Alert

Presented by: Phillip L. Schulman, Krista Cooley  
July 11, 2013

**Appeals Court Strikes Down Labor Department's Interpretation Regarding Exempt Status of Mortgage Loan Officers**

Labor, Employment and Workplace Safety Alert

By: Thomas H. Petrides, John L. Longstreth  
July 11, 2013

**Bibbidi Bobbidi Boo: Eminent Domain Needs More than a Magic Wand to Overcome Title Defects**

Consumer Financial Services Alert

By: Laurence E. Platt  
July 24, 2013

**OAIC Releases New Guidance on Australian Privacy Principles**

Privacy Alert

By: Andrea Beatty, Abhishek Bansal  
August 27, 2013

**Housing Finance Reform Efforts Heat Up in Summer Session**

Consumer Financial Services Alert

By: Kristie D. Kully, Andrew L. Caplan  
August 28, 2013

**Township of Mount Holly: The United States Supreme Court Considers Whether the Fair Housing Act Recognizes Disparate-Impact Liability**

Consumer Financial Services Alert

By: Paul F. Hancock, Andrew C. Glass, Melanie Brody, John L. Longstreth, Roger L. Smerage  
September 4, 2013

**Financial Services under a New Liberal Government**

Financial Services Alert

By: Andrea Beatty, Jim Bulling, Jason Vongratsavai  
September 12, 2013

**Rulemaking Dictating Loan Terms is Coalescing around the CFPB's Qualified Mortgage Standard, but the Future of Loans Outside of This Standard Remains in Question**

Consumer Financial Services Alert

By: Laurence E. Platt, Stanley V. Ragalevsky, Sean P. Mahoney  
September 17, 2013

**Crowdsourced Equity Funding in Australia**

By: Russell Lyons, Andrea Beatty, Becki Tam

September 24, 2013

**OAIC Releases Guidelines on Cross Border Disclosure and Direct Marketing**

Privacy Alert

By: Andrea Beatty, Cameron Abbott, Jim Bulling, Abhishek Bansal  
September 30, 2013

**Court Says Refinancing Lender Can't Get No Satisfaction when Paying Down Existing Lender's HELOC**

Commercial Disputes Alert

By: Robert E. Feyder, Matthew B. O'Hanlon  
October 2, 2013

**Amendments Allow Insurers to Utilise Electronic Communication Channels**

Insurance Alert

By: Cameron Abbott, Rob Pulham, John Hall  
October 2, 2013

**HUD Issues QM Proposal for Comment: There is a "There" There**

Consumer Financial Services Alert

By: Phillip L. Schulman, Jonathan D. Jaffe, Krista Cooley, Andrew L. Caplan  
October 4, 2013

**Credit Law Regulatory Update — The Year in Review and What's Next**

Consumer Financial Services Alert

By: Andrea Beatty, Abhishek Bansal  
November 14, 2013





### **The CFPB Signals Revolutionary Changes to the Collection Industry**

Consumer Financial Services Alert

By: Nanci L. Weissgold, Christopher G. Smith

November 21, 2013

### **A Decision to Arbitrate in the Mountain State: The West Virginia Supreme Court of Appeals Rejects Retroactive Application of the Dodd-Frank Act and Enforces Mandatory Arbitration Agreement in Residential Mortgage**

Financial Services Litigation and Commercial Disputes Alert

By: R. Bruce Allensworth, Brian M. Forbes, Robert W. Sparkes

November 26, 2013

### **Will Recent Auto-Dialer Decisions Help Rein in TCPA Litigation?**

Financial Services Litigation Alert

by: Gregory N. Blase

December 2, 2013

### **Safe Harbor Means Safe Harbor: Sixth Circuit Rejects Any Judicial Deference to HUD's Sham Affiliated Business Guidelines**

Financial Services Alert

By: Phillip L. Schulman, Irene C. Freidel, David D. Christensen

December 9, 2013

### **The Wait is Over. The Anxiety Begins. The CFPB Issues its Final Rule to Combine RESPA and TILA Mortgage Disclosures**

Consumer Financial Services Alert

By: Phillip L. Schulman, Holly Spencer Bunting

December 12, 2013

### **ASIC Investigates Conduct of Property Developments for Extending Payment Terms**

By: Andrea Beatty, Justin Lethlean, Abhishek Bansal

December 18, 2013

### **Proposed FoFA Reforms to Ease Regulatory Burden**

Investment Management Alert

By: Jim Bulling, Daniel Knight, Julia Baldi

December 24, 2013

### **MBA Compliance Essentials Series on the Real Estate Settlement Procedures Act**

By: Phillip L. Schulman, Holly Spencer Bunting



## **OUR BLOG**

Since the December 2011 launch of our blog, Consumer Financial Services Watch, members of our group have provided timely information on legal and regulatory developments affecting consumer financial services procedures, including new developments related to the CFPB and other topics. In 2013, members of our team published nearly 100 posts on our blog on a variety of topics including the CFPB, mortgage lending and servicing, FHA/VA, UDAAP, litigation and enforcement actions, and fair lending, just to name a few.

Please visit [consumerfinancialserviceswatch.com](http://consumerfinancialserviceswatch.com) to subscribe to our blog or to read our posts.

## **ARTICLES**

### **Recent Developments and What's Next: Part 1**

*LexisNexis Financial Services Newsletter, (2013) FSN 12(4)*

By: Andrea Beatty, Abhishek Bansal, Jason Vongratsavai

### **Recent Developments and What's Next: Part 2**

*LexisNexis Financial Services Newsletter, (2013) FSN 12(5)*

By: Andrea Beatty, Abhishek Bansal, Jason Vongratsavai

### **Recent Developments and What's Next: Part 3**

*LexisNexis Financial Services Newsletter, (2013) FSN 12(6)*

By: Andrea Beatty, Abhishek Bansal, Jason Vongratsavai

### **OAIC Releases New Guidance on Australian Privacy Principles**

*Privacy Law Bulletin, (2013) 10(1) PrivLB 12*

By: Andrea Beatty, Abhishek Bansal

### **Book Review: Corporate Information and the Law by Leif Gamertsfelder**

*Privacy Law Bulletin, (2013) 10(1) PrivLB 14*

By: Andrea Beatty, Jason Vongratsavai

### **Consumer Credit and Privacy Reform Agenda**

*LexisNexis Financial Services Newsletter, (2013) FSN 11(7)*

By: Andrea Beatty, Abhishek Bansal

### **Re-investing in Financial Services Compliance**

*International Association of Consumer Law (IACL) Conference Paper*

By: Andrea Beatty

June 2013

### **Regulatory Update—What's Next and Year in Review**

By: Andrea Beatty

October 2013

## **TRAINING WORKSHOPS**

Hosted regulatory training workshops for franchisees of a national leasing company in four cities across Australia. The workshops covered the licensing and compliance requirements under Australian credit legislation.

Hosted regulatory training workshops for up to 68 general managers of one of the four major Australian banks. The workshops form part of the compulsory training for the senior executives and are structured to provide a regulatory snapshot to allow executives to better identify the regulatory and compliance risks within the bank.

K&L Gates earned  
top honors as a

**“POWERHOUSE”**

in two categories

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K&L Gates' Consumer Financial Services practice provides a comprehensive range of transactional, regulatory compliance, enforcement and litigation services to the lending and settlement service industry. Our focus includes first- and subordinate-lien, open- and closed-end residential mortgage loans, as well as multi-family and commercial mortgage loans. We also advise clients on direct and indirect automobile, and manufactured housing finance relationships. In addition, we handle unsecured consumer and commercial lending. In all areas, our practice includes traditional and e-commerce applications of current law governing the fields of mortgage banking and consumer finance.

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