

# BUCKLEY SANDLER

## Fair Lending Practice

While fair lending has been a major enforcement priority for more than 25 years, the establishment of the Fair Lending Unit in the Housing and Civil Enforcement Section of the Department of Justice's (DOJ) Civil Rights Division in 2010 and the creation of the Consumer Financial Protection Bureau (CFPB) in 2011 has intensified governmental scrutiny in this area. Since then, Buckley Sandler, which *Chambers USA* calls "a firm of preeminent repute in the fair lending space," has been leading the way in defending the nation's top banks, mortgage lenders, auto lenders, credit card issuers, and other consumer finance companies in traditional and emerging areas of fair lending supervision and enforcement.

A history of success before multiple state and federal agencies has made our Fair Lending practice the first call for clients. From redlining and steering allegations to pricing and underwriting discrimination claims, our fair lending lawyers are some of the nation's foremost authorities on the panoply of federal and state fair and responsible lending laws and regulations. We work closely with our clients not only to address their current challenges, but also to design and implement fair lending compliance and monitoring programs that are forward-looking, including those in emerging areas such as marketplace lending and the alternative financial services space.

Buckley Sandler's Fair Lending practice provides proactive regulatory counseling, compliance advice, examination management support, and enforcement action and litigation representation every day. The comprehensive counseling we provide is shaped by our lawyers' extensive experience representing clients in federal and state examinations and government enforcement investigations, administrative proceedings, and complex civil litigation encompassing the full spectrum of issues related to fair and equitable treatment of consumers.

Our fair lending engagements include:

- Representing financial services clients in more than 80 DOJ, CFPB, and federal banking agency fair lending enforcement actions and providing counseling and compliance advice to mitigate fair lending risk
- Defending dozens of financial institutions in threatened or actual referrals by the federal banking agencies to DOJ for alleged "pattern or practice" lending discrimination involving mortgage, auto, credit card, small business, and consumer lending for a wide variety of disparate treatment and disparate claims alleging redlining, reverse redlining, pricing and underwriting discrimination, discrimination in loss mitigation and collections, and discriminatory marketing practices
- Defense of class action litigation against mortgage redlining and reverse redlining allegations brought by several municipalities
- Defending numerous financial institutions in fair lending protests to transactional applications filed with the Federal Reserve Board (FRB)

- Representing financial institutions in housing discrimination complaints filed by individuals and consumer advocacy groups with local and state civil rights commissions and the Department of Housing and Urban Development (HUD)
- Defense of mortgage lender in lawsuit alleging discriminatory sales practices
- Assisting dozens of clients in development and oversight of their fair lending monitoring programs, including direction and supervision of external consultants